

8 JANUARY 1947

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of  
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Wednesday, 8 January 1947

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

**Appearances:**

For the Tribunal, same as before with  
the exception of: HONORABLE JUSTICE JU-AO MEI,  
Member from the Republic of China, not sitting.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese to English interpretation was made by the Language Section, IMTFE.)

1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present  
4 except OKAWA and MUTO, who are represented by their  
5 respective counsel.

6 I understand that I have no certificate  
7 to that effect; that MUTO's illness prevents him from  
8 attending the Trial today.

9 CLERK OF THE COURT: They stated there  
10 would not be any more certificates until he came  
11 back from the hospital, sir.

12 THE PRESIDENT: Colonel Woolworth.

13 MR. WOOLWORTH: If the Tribunal please,  
14 I desire to have marked for identification document  
15 No. 2511 and introduce in evidence excerpts therefrom,  
16 2511-A, "Extract from Interrogation of Hideki TOJO,  
17 14 March 1946."

18 THE PRESIDENT: Admitted on the usual terms.

19 MR. WOOLWORTH: (Reading)

20 "p. 1-2-3

21 "Q There is one thing that I am not quite  
22 clear about. The Supreme Command, generally speaking,  
23 is represented by the Army Chief of Staff and the  
24 Navy Chief of Staff. That is not the same as Imperial  
25 Headquarters, is it?"

1                   THE PRESIDENT: Mr. Delaney.

2                   CLERK OF THE COURT: Prosecution document

3                   No. 2511 will be marked exhibit 1979 for identification  
4                   only and the excerpt, being prosecution document  
5                   2521-B, will be marked exhibit No. 1979-A.

6                   (Whereupon, the document above  
7                   referred to was marked prosecution's ex-  
8                   hibit No. 1979 for identification; the  
9                   marked excerpts therefrom being marked  
10                   prosecution's exhibit No. 1979-A and  
11                   received in evidence.)

12                   MR. WOOLWORTH: (Reading)

13                   "Extract from Interrogation of Hideki TOJO,  
14                   14 March 1946

15                   "p. 1-2-3

16                   "Q    There is one thing that I am not quite  
17                   clear about. The Supreme Command, generally speaking,  
18                   is represented by the Army Chief of Staff and the  
19                   Navy Chief of Staff. That is not the same as Imperial  
20                   Headquarters, is it?

21                   "A    Imperial Headquarters (Daihon ei)  
22                   drew its membership from the Army and Navy General  
23                   Staffs and the Army and Navy Ministries. From the  
24                   Army General Staff the Chief of Staff the Assistant  
25                   Chief of Staff, all the bureau heads (bucho) and

1 nearly all the section heads (kacho) and some other  
2 members of the Staff, as necessary, attended. From  
3 the War Department, the War Minister, the Vice-  
4 Minister, a majority of the Bureau heads (kyoku cho),  
5 and a few other members, as necessary, attended.  
6 I suppose that the membership from the Navy side was  
7 similar, although I am not sure. As War Minister,  
8 I attended in the capacity of a participant (sanka-  
9 kusha), although I was not properly a member. In  
10 my capacity as participant, I was assisted by the Vice-  
11 Minister of War and the head of the Personnel Section.  
12 The Imperial Headquarters was created to meet the needs  
13 of the war and, since one of those needs was for  
14 personnel, I attended for that reason, having adminis-  
15 trative charge of personnel.

16 "Three things were wrong with Imperial  
17 Headquarters. The first was that, although it was  
18 intended to be a joint Army-Navy set-up, in practice,  
19 it was divided into an Army section and a Navy section,  
20 Army General Staff and War Department personnel going  
21 into the Army section and Navy Staff and Navy Department  
22 personnel going into the Navy section.

23 "The second thing was that there were no  
24 government people in the set-up. It was all Army-  
25 Navy.

1            "The third thing was that there was no  
2        one in a position to hold it together. It was set  
3        up on 20 November 1937 in connection with the China  
4        Incident. Having been set up during the first year  
5        of the China Incident, it had a great deal of  
6        influence on the Government at the time preceding the  
7        outbreak of the Greater East Asia War. Since its  
8        utterances were not voiced as coming from the Army  
9        General Staff or the Navy General Staff but from  
10       Imperial Headquarters, the government had to give them  
11       a great deal of importance.

12            "Q        Did the Emperor have anything to do with  
13        Imperial Headquarters?

14            "A        The Emperor was at the head of it.  
15        This chart shows the set-up. (See reproduction attached.)  
16        As to the place where Imperial Headquarters met, the  
17        Army part of it met in the Army General Staff offices,  
18        and the Navy part of it met in the Navy General Staff  
19        offices.

20            "Q        Then, how was the Army part of Imperial  
21        Headquarters different from the Army General Staff?

22            "A        The people in the General Staff were  
23        there in the capacity of bureau chief, section chief,  
24        or what not, but they also had a capacity as a member  
25        of the Army section of Imperial Headquarters. Actually,

1 the two bodies were very much the same in fact, except  
2 that the members of the War Department also came  
3 under the Chief of Staff when acting in the capacity  
4 of members of Imperial Headquarters.

5 "Q You mean, then, that after Imperial  
6 Headquarters was set up in 1937, the Chief of Staff  
7 held more power than he had held previous to that time?

8 "A Yes, because he came to have control  
9 over members of the War Department as well as control  
10 over the members of the General Staff which he had had  
11 before.

12 "Q How often did Imperial Headquarters  
13 meet?

14 "A I am not too sure, since it was pretty  
15 much run by the Army and Navy Chiefs of Staff. However,  
16 I think that it met once or twice a week.

17 "Q Was the Emperor present at every meeting?

18 "A No. Usually he was not there, only  
19 on special occasions.

20 "Q When a full meeting of Imperial Head-  
21 quarters of both Army and Navy sections was held,  
22 where was it held?

23 "A In the Palace.

24 "Q How often were those joint ones held?

25 "A As I said before, once or twice a week.

1                    "Q    You mean the joint meetings?

2                    "A    Yes. Of course when there was more  
3 business, there were more meetings.

4                    "Q    What was the difference in function  
5 between Imperial Headquarters and the Supreme War  
6 Council?

7                    "A    They were completely different. Imperial  
8 Headquarters was concerned with operations and  
9 tactics (sakusen yohei) in which secrecy was necessary  
10 and, therefore they did not consult the Supreme War  
11 Council on these matters. The Supreme War Council  
12 was concerned with many matters, such as research,  
13 inspections, military education, military training,  
14 and, in general, with advice on military matters."

15                   Prosecution desires to have marked for  
16 identification document 2514, introduced in evidence  
17 document 2514-B, excerpts therefrom.

18                   THE PRESIDENT: Admitted on the usual terms.

19                   CLERK OF THE COURT: Prosecution document  
20 No. 2514 will be given exhibit No. 1980 for identifi-  
21 cation only and prosecution's document No. 2514-B  
22 will be given exhibit No. 1980-A.

23                   (Whereupon, the document above  
24 referred to was marked prosecution's ex-  
25 hibit No. 1980 for identification; the

1 marked excerpts therefrom being marked  
2 prosecution's exhibit No. 1980-A and  
3 received in evidence.)

4 MR. WOOLWORTH: (Reading)

5 "Extract from Interrogation of Hideki TOJO,  
6 25 March 1946, p. 1

7 "Q As Minister of War, from 7 December  
8 1941 on, were you not responsible for the treatment  
9 received by American and British prisoners of war?

10 "A Yes. I was responsible for their treat-  
11 ment."

12 Prosecution desires to introduce in evidence  
13 document No. 2514-C, extracts from document No. 2514.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution document No.  
16 2514-C will be given exhibit No. 1980-B.

17 (Whereupon, the document above  
18 referred to was marked prosecution's ex-  
19 hibit No. 1980-B and received in evidence.)

20 MR. WOOLWORTH: (Reading)

21 "Extract from Interrogation of Hideki TOJO,  
22 25 March 1946, p. 2-4.

23 "Q When was the Prisoner of War Bureau  
24 set up?

25 "A This was organized immediately after the

1                   outbreak of war.

2                   "Q    Which war?

3                   "A    The Greater East Asia War.

4                   "Q    Why was it necessary to organize such  
5                   a bureau?

6                   "A    This is according to international law.

7                   "Q    Why had not such a bureau existed during  
8                   the China War or Incident?

9                   "A    It was not necessary during the China  
10                  Incident.

11                  "Q    Was there any bureau at all set up in  
12                  connection with the China Incident on the treatment  
13                  of prisoners?

14                  "A    There was no organization set up to deal  
15                  with Chinese prisoners.

16                  "Q    Who ordered this new bureau to be set up?

17                  "A    The order for the formation of this  
18                  bureau was issued by the War Minister.

19                  "Q    This was during the time that you were  
20                  War Minister and Premier?

21                  "A    Yes.

22                  "Q    Were you, from 7 December 1941 on,  
23                  familiar with the provisions of the Hague and Geneva  
24                  Conventions with respect to the treatment of prisoners  
25                  of war?

1 "A I knew of these at the time.  
2

3 "Q At that time did you, as Premier and  
4 War Minister, believe that the provisions of those  
5 conventions applied to Japan and should be followed  
6 by her in war?

7 "A Naturally.  
8

9 "Q In addition to the provisions of those  
10 conventions, there are also other recognized rules  
11 and customs of war followed by civilized nations, are  
12 there not?

13 "A As a civilized nation, we would follow  
14 the principles of humanism.  
15

16 "Q I suppose by humanism, you mean that  
17 prisoners would be treated humanely, as by civilized  
18 nations?

19 "A Yes.  
20

21 "Q So that, in general, from 7 December  
22 1941 on, you, as Premier and War Minister, felt that  
23 Japan was bound by the Hague and Geneva Conventions  
24 with respect to the treatment of prisoners of war  
25 and also bound by the rules and customs of civilized  
nations with respect to treating prisoners of war  
humanely, did you not?

"A Yes."

Prosecution desires to introduce in evidence

1       document No. 2514-D, excerpts from document 2514.

2               THE PRESIDENT: Admitted on the usual terms.

3               CLERK OF THE COURT: Prosecution document  
4       No. 2514-D will receive exhibit No. 1980-C.

5               (Whereupon, the document above  
6       referred to was marked prosecution's ex-  
7       hibit No. 1980-C and received in evidence.)

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1 MR. WOOLWORTH: (Reading)

2 "Extract from interrogation of Hideki TOJO,  
3 25 March 1946, p. 5-6.

4 "Q When did you first learn of the complaints  
5 concerning or facts indicating that there had been  
6 mistreatment of American and British prisoners of war?

7 "A The only complaints that ever came to  
8 my notice were in connection with food and so forth.  
9 Atrocities were not brought to my notice at all. I  
10 am astounded at the truth regarding atrocities that  
11 is now being revealed in the newspapers. If the  
12 Japanese had followed the Emperor's instructions,  
13 these atrocities would never have happened.

14 "Q But you, as Minister of War during the  
15 period when those atrocities were committed, are the  
16 responsible party for their commission, are you not?

17 "A Yes.

18 "Q What explanation can you give for the  
19 fact that you did not learn of them when they were  
20 so widespread and of such a serious nature?

21 "A I was always under the impression that  
22 army commanders in the field who were responsible  
23 for the treatment of prisoners understood what was  
24 required of them in this connection.

25 "Q During this entire period from 7 December

1 1941 on, you were aware of the fact, were you not,  
2 that the United States and Great Britain, through  
3 friendly nations, had warned the Japanese Government  
4 that Japanese officials and the Japanese Government  
5 would be held responsible for violations of the  
6 Hague and Geneva Conventions and for violations of  
7 the rules of war with respect to the treatment of  
8 prisoners of war?

9 "A Yes, and if these atrocities are true,  
10 treaties have been violated.

11 "Q During this same period, were you not  
12 aware that the United States and Great Britain,  
13 through friendly nations, had made numerous and  
14 repeated complaints, giving specific data and charging  
15 that there had been, in each instance, violations of  
16 the Hague and Geneva Conventions and of the rules of  
17 war in connection with the mistreatment of prisoners  
18 of war?

19 "A I do not remember details, but I think  
20 these came through the Prisoner of War Information  
21 Bureau.

22 "Q Such complaints would first come to the  
23 Foreign Ministry and then be routed to the Minister  
24 of War's office, would they not?

25 "A Yes.

1                   "Q How many of these complaints were made,  
2 that you recall, of your personal knowledge?

3                   "A I cannot recall just now how many were  
4 received.

5                   "Q What, if anything, did you do with respect  
6 to those which were received?

7                   "A These were passed on to the various  
8 army commanders through the Prisoner of War Informa-  
9 tion Bureau.

10                  "Q Were reports then made back by those  
11 bureau heads or individuals to you, as Minister of  
12 War, relative to these complaints?

13                  "A No, no replies or reports were sent back.  
14 These complaints were sent to the various people con-  
15 cerned calling the matter to their attention."

16                  Prosecution desires to introduce in evidence  
17 document No. 2514-E, excerpts from document No. 2514.

18                  THE PRESIDENT: Admitted on the usual terms.

19                  CLERK OF THE COURT: Prosecution's document  
20 No. 2514-E will receive exhibit No. 1980-D.

21                  (Whereupon, the document above  
22 referred to was marked prosecution's exhibit  
23 No. 1980-D and received in evidence.)

24                  MR. WOOLWORTH: (Reading)

25                  "Extract from interrogation of Hideki TOJO,

1 25 March 1946, p. 7.

2 "Q Were these complaints, which were made  
3 during this period by the United States and Great  
4 Britain through friendly nations with respect to  
5 the mistreatment of their prisoners by the Japanese  
6 Government, taken up at the weekly meetings of the  
7 Prisoner Bureau that you have referred to?

8 "A Yes. These matters were taken up at the  
9 bi-weekly meetings."

10 Prosecution desires to introduce in evidence  
11 document No. 2514-F, excerpts from document No. 2514.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document  
14 No. 2514-F will receive exhibit No. 1980-E.

15 (Whereupon, the document above  
16 referred to was marked prosecution's exhibit  
17 No. 1980-E and was received in evidence.)

18 MR. WOOLWORTH: (Reading)

19 "Extract from interrogation of Hideki TOJO,  
20 25 March 1946, p. 8 - 14.

21 "Q Did you or anyone for you go to the  
22 scene where the mistreatment of the prisoners (of war)  
23 was alleged to have taken place to make an investiga-  
24 tion of any of these complaints?

25 "A Yes, there are many instances. There was

1 a case of mistreatment of prisoners of war during the  
2 building of the Burma-Thai Railway and I ordered a  
3 court martial in this connection.

4 "Q Was there any other personal investiga-  
5 tion made of complaints made by the United States and  
6 Great Britain after 7 December 1941 with respect to  
7 the mistreatment by the Japanese Government of their  
8 captured American and British prisoners other than  
9 the one that you have just mentioned?

10 "A I myself heard rumors of mistreatment of  
11 prisoners of war at Bataan and when I was in the  
12 Philippines, I inquired of the Chief of Staff who  
13 informed me that the 'march' was due to the lack of  
14 transportation and there were no cases of atrocities.

15 "Q Who was the Chief of Staff at that time?

16 "A Lieutenant General WACHI.

17 "Q What was the approximate time that you  
18 were in the Philippines and made this inquiry of the  
19 Chief of Staff?

20 "A This was 5 May 1943.

21 "Q What was the approximate date that the  
22 'Bataan March' took place?

23 "A I do not remember the date, but it was in  
24 the early part of 1942.

25 "Q How long after the 'March' was it that

1 you heard of the mistreatment of American troops?

2 "A These rumors came to my notice late in  
3 1942 or early in 1943.

4 "Q Through what sources did you hear these  
5 rumors of the mistreatment of American troops at Ba-  
6 taan?

7 "A It would be difficult to say from whom  
8 I heard these rumors.

9 "Q Where did you hear these rumors?

10 "A I heard these in Tokyo.

11 "Q Regardless of what the sources of  
12 these rumors were, from how many sources did you  
13 hear them -- how many occasions did you hear them?

14 "A It would be difficult to say how many  
15 times I have heard these rumors.

16 "Q What was the nature of the rumors that  
17 you heard in this connection?

18 "A The rumors were to the effect that pris-  
19 oners from Corregidor and Bataan had been mistreated.

20 "Q In what respect had they been mistreated,  
21 according to the rumors?

22 "A They had been made to walk long distances  
23 in the heat. Deaths due to mistreatment were usually  
24 referred to as death by sickness.

25 "Q Did not the rumors also state and indicate

1 that many of the troops who were forced to march in  
2 the heat were in no physical condition to march at  
3 all and should not have been forced to march because  
4 of their physical condition?

5 "A No. The rumors mentioned nothing of  
6 this.

7 "Q According to the rumors, what was the  
8 cause of the death of the American prisoners in this  
9 connection?

10 "A All deaths were ascribed to sickness.

11 "Q What kind of sickness caused the death  
12 of the men on that march?

13 "A These details did not come to my notice.

14 "Q But it did come to your notice from  
15 the rumors that deaths occurred as a result of the  
16 march, did it not?

17 "A Yes.

18 "Q How many deaths had occurred, according  
19 to the rumors?

20 "A This was not mentioned in the rumors.

21 "Q Did not the rumors indicate that the  
22 deaths were caused by the physical condition of the  
23 troops who had been requested or forced to march?

24 "A The rumors only stated that the prisoners  
25 were marched long distances in the heat.

1                   "Q  How long before you discussed this  
2 matter while you were in the Philippines with the  
3 Chief of Staff was it that you had heard these rumors?

4                   "A  Perhaps two or three months before  
5 this date, but I do not recall.

6                   "Q  How much time did you spend discussing  
7 this march and this matter with the Chief of Staff  
8 while you were in the Philippines?

9                   "A  This was not the main subject of my  
10 meeting with the Chief of Staff.  I had many other  
11 important matters to discuss with him and this was  
12 one subject that was involved.

13                  "Q  How much time was spent discussing this  
14 matter with the Chief of Staff?

15                  "A  I cannot say definitely how long we  
16 discussed this as it was one of many subjects.

17                  "Q  Have you no idea whatsoever as to the  
18 amount of time you spent discussing it with the Chief  
19 of Staff?

20                  "A  I am unable to say definitely how long.

21                  "Q  Prior to the time that you discussed it  
22 with the Chief of Staff, had not the American Govern-  
23 ment made a written complaint through a friendly nation  
24 to the Japanese Government about this very matter,  
25 setting forth the details in connection with this

1 march and in connection with the deaths of several  
hundreds of American troops?

2 "A I do not remember well but perhaps a  
3 complaint was received.

5 "Q Was that matter discussed at all at  
6 any of the bureau meetings that were held weekly or  
7 bi-weekly, that you recall?

8 "A I do not remember, but if a complaint  
9 was received, it would be discussed at the meeting  
10 of bureau chiefs.

11 "Q Had this matter of the 'Bataan March'  
12 and the deaths of American prisoners as the result  
13 thereof been taken up with the Chief of Staff prior  
14 to the occasion when you discussed it with him in the  
15 Philippines, as you state?

16                    "A It was the first time that I took it up  
17 with him, but if a complaint was received from the  
18 United States, I am sure it must have been sent to  
19 the Chief of Staff through the Prisoner of War Informa-  
20 tion Bureau.

21 "Q Do you know, of your personal knowledge,  
22 that this matter was taken up with the Chief of Staff  
23 on any other occasion than when you took it up with  
24 him during your visit to the Philippines?

25 "A I was acting as Prime Minister and War

1 Minister and I was not able to attend to details of  
2 this sort. These are left to the discretion of the  
3 chiefs of departments concerned.

4 "Q Do you know, of your personal knowledge,  
5 that the matter had ever been taken up with the Chief  
6 of Staff other than the time you took it up with him?

7 "A I have no recollection of this having  
8 been transmitted.

9 "Q Did the Chief of Staff indicate whether  
10 it had been taken up with him before when you dis-  
11 cussed it with him?

12 "A No, as I asked him about this.

13 "Q But just what do you mean by that -- it  
14 had been taken up with him?

15 "A The Chief of Staff said nothing about  
16 this matter ever being taken up with him before I  
17 mentioned it.

18 "Q So that, as far as you knew personally  
19 or he indicated to you, this is the first time it  
20 had been taken up with him by any official of the  
21 Japanese Government?

22 "A I am not able to state definitely if  
23 this is so or not.

24 "Q Was there anything said by him to indicate  
25 to the contrary?

1                    "A I am not able to answer this definitely  
2 and I cannot speak for the Chief of Staff.

3                    "Q Just what did you say to the Chief of  
4 Staff in connection with this 'Bataan March' and  
5 the mistreatment of American prisoners?

6                    "A I mentioned that there were rumors of  
7 this description and wanted to have his explanation.

8                    "Q What explanation did the Chief of Staff  
9 give?

10                  "A The Chief of Staff explained that due  
11 to lack of transport facilities, the prisoners of  
12 war had to march long distances in the heat and that  
13 there was some suffering, and deaths resulted.

14                  "Q Did the Chief of Staff state during  
15 this conversation with you what distance the prisoners  
16 had been forced to march?

17                  "A General WACHI was not there at the time  
18 of the march and did not give me any details. He was  
19 not responsible for this march.

20                  "Q Who was responsible for the march?

21                  "A General HOMMA would naturally be responsible.

22                  "Q Did you see General HOMMA while you were  
23 in the Philippines?

24                  "A No. HOMMA had returned to Japan.

25                  "Q Had you seen General HOMMA in Japan at

1 any time after the war started and before you went  
2 to the Philippines and spoke to the Chief of Staff  
3 on this matter?

4 "A No, I did not meet him when he returned  
5 to Japan.

6 "Q How long prior to the time you discussed  
7 this matter with the Chief of Staff in the Philippines  
8 was it that HOMMA had returned to Japan?

9 "A I do not remember when he returned to  
10 Japan.

11 "Q Were you aware of the fact that HOMMA  
12 was in Japan during the period that he came to Japan  
13 and remained here?

14 "A Yes.

15 "Q Did HOMMA report to the War Department  
16 here in Tokyo during the time he was in Japan after  
17 the beginning of the war with the United States?

18 "A Perhaps he did report at the War Office,  
19 but I did not meet him.

20 "Q Did you or anyone else discuss with HOMMA  
21 while he was here or at any other time, the rumors of  
22 the deaths of the American soldiers in the 'Bataan  
23 March'?

24 "A I did not know of these rumors at the  
25 time he returned to Japan and I do not know of anyone

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1                   The prosecution desires to have marked for  
2 identification document 2515 and to introduce in  
3 evidence document 2515B, extracts therefrom.

4                   THE PRESIDENT: Admitted on the usual terms.

5                   CLERK OF THE COURT: Prosecution document  
6 No. 2515 will be given exhibit No. 1981 for identifi-  
7 cation only, and the excerpt therefrom, prosecution  
8 document 2515B, will be given exhibit No. 1981A.

9                   (Whereupon, document No. 2515 was  
10 marked prosecution's exhibit No. 1981 for  
11 identification, and the excerpts therefrom,  
12 document No. 2515B, was marked prosecution's  
13 exhibit No. 1981A and received in evidence.)

14                   MR. WOOLWORTH: (Reading) "Extract from  
15 Interrogation of Hideki TOJO, 26 March 1946, p. 1 - 3.

16                   "Q Yesterday there was some interrogation  
17 about prisoners and there is something I would like  
18 to say about that.

19                   "Q I was about to bring that question up and  
20 ask if you didn't have something you wanted to say.

21                   "Q Since the end of the war, I have read about  
22 the inhumane acts committed by Japanese army and navy  
23 personnel. These were certainly not the intention of  
24 those in authority, that is, of the General Staffs,  
25 or the War or Navy Departments, or myself. We did

1 not even suspect that such things had happened. The  
2 Emperor especially, because of his benevolence, would  
3 have had a contrary feeling. Such acts are not per-  
4 missible in Japan. The character of the Japanese  
5 people is such that they believe that neither  
6 Heaven nor Earth would permit such things. It will be  
7 too bad if people in the world believe that these in-  
8 humane acts are the result of Japanese character.  
9 (The preceding portion of the answer was read back to  
10 the witness who agreed as to its correctness.)

11 "The second point with regard to prisoners:  
12 The treatment of prisoners is the responsibility of  
13 various army commanders, hence I relied upon them to  
14 have regard for humane considerations and to follow  
15 the terms of international treaties and rules. Of  
16 course, since I was the supervisor of military ad-  
17 ministration, I am completely responsible.

18 "The third point is that Japanese manners  
19 and customs are different from those of Europe and  
20 American and the standard of living is also different.  
21 These things affected the treatment of prisoners.  
22 There are some things I want to explain about this.

23 "a) In regard to inhumane acts, these are  
24 not permitted under Japanese manners or customs  
25 either.

16 "c) The Japanese idea about being taken  
17 prisoner is different from that in Europe and America.  
18 In Japan, it is regarded as a disgrace. Under Japanese  
19 criminal law, anyone who becomes a prisoner while  
20 still able to resist has committed a criminal offense,  
21 the maximum punishment for which is the death penalty.  
22 In Europe and America, it is different. A person who  
23 is taken prisoner is honored because he has dis-  
24 charged his duties, but in Japan, it is very different.

"d) I want to say something now about the

1       feeling with regard to slapping on the side of the  
2       face. In Japanese families where the educational  
3       standard is low, slapping is used as a means of train-  
4       ing. In the Japanese army and navy, although this  
5       is forbidden, it continues in fact because of the  
6       influence of the customs of the people. This, of  
7       course, is a custom that ought to be corrected; it  
8       ought to be stopped; but I don't think it is a crime.  
9       It is something that comes from custom. That is all  
10      I want to say on this.

11       "There is a correction I would like to make  
12      regarding yesterday's interrogation. Yesterday,  
13      I was asked if I had met Lieutenant General HOMMA.  
14      I said that I had not met him, but this year when  
15      I was in Omori Prison, I met him. One other point.  
16      When an army commander came back to Japan during the  
17      war, he would make a situation report to the Emperor.  
18      On such occasions, he would be accompanied by the  
19      Chief of Staff and the War Minister. I do not well  
20      remember, it may be that I met HOMMA on such an  
21      occasion since he was an army commander. That is all  
22      I wanted to say."

23       The prosecution desires to introduce in  
24      evidence document 2515C, excerpts from document 2515.

25       THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document

1 No. 2515C will receive exhibit No. 1981B.

2 (Whereupon, the document above re-  
3 ferred to was marked prosecution's exhibit  
4 No. 1981B and received in evidence.)

5 MR. WOOLWORTH: (Reading) "Extract from  
6 Interrogation of Hideki TOJO, 26 March 1946, p. 4 - 5.

7 "Q Do you not recall that the Japanese Govern-  
8 ment informed the United States, through the Swiss  
9 Government on or about 30 January 1941, what Japan  
10 would follow, in the war then pending: (1) The  
11 various international conventions, including those  
12 signed at The Hague and Geneva; (2) International  
13 law; (3) The rules and customs of law as to prisoners  
14 and civilians?

15 "A I don't recall it, but I think it is very  
16 likely.

17 "Q You state that you are now aware of the fact  
18 that that promise was not kept or carried out. Why  
19 was it not complied with or kept? Do you understand  
20 the question?

21 "A I understand it as regards the inhumane acts  
22 towards prisoners that we have talked about. It was  
23 the Government's intention to follow these conventions,  
24 and it was mine. The fact that these things happened

1           is very much to be regretted. The responsibility  
2           for them is mine.

3           "Q    You mentioned today that you did not even  
4           suspect the occurrence of these atrocities and the  
5           inhumane treatment of prisoners. How can you say  
6           this when the United States and Great Britain,  
7           through the Swiss and other governments, made numerous  
8           written and detailed complaints to your Foreign Office  
9           about these very matters?

10           "▲    The matter of responsibility for humane  
11           considerations and the following of treaty provisions  
12           was the responsibility of the various army commanders.  
13           I believed that they were following them. That is my  
14           answer.

15           "Q    So that, although these numerous complaints  
16           were made on these matters, you still trusted the  
17           commanders in the field and did not believe the com-  
18           plaints. Is that true?

19           "▲    As I said before, when a protest would come  
20           in, I would forward it to the responsible army  
21           commander involved for action which I thought was  
22           taken. I could not tell whether the protest was  
23           appropriate or not, and I presumed that investiga-  
24           tions were made, followed by courts martial or other  
25           suitable action.

1           "Q   Did you hear of any courts martial or  
2   suitable action taken in connection with the atroci-  
3   ties and inhumane acts against American prisoners in  
4   the 'Bataan March' that we spoke about yesterday and  
5   today?

6           "A   I think that the commanding officer took  
7   legal measures.

8           "Q   On what do you base that statement?

9           "A   The facts of that case would have gone to  
10   the commanding officer who had the responsibility for  
11   taking appropriate action.

12           "Q   Then, it is only your speculation that such  
13   action was taken?

14           "A   Yes, but I think it was taken because it was  
15   his responsibility."

16           The prosecution desires to introduce in  
17   evidence document No. 2515E, excerpt from document  
18   2515.

19           THE PRESIDENT: Admitted on the usual terms.

20           CLERK OF THE COURT: Prosecution's document  
21   No. 2515E will receive exhibit No. 1981C.

22           (Whereupon, the document above re-  
23   ferred to was marked prosecution's exhibit  
24   No. 1981C and received in evidence.)

25           MR. WOOLWORTH: (Reading) "Extract from

Interrogation of Hideki TOJO, 26 March 1946, p. 6 - 7.

1 "Q You state that when complaints were made by  
2 the United States and Great Britain about the inhumane  
3 treatment of their prisoners of war, the complaints  
4 would come to the Foreign Ministry and then to the War  
5 Department. Were copies of these complaints sent to  
6 the Emperor, or was the Emperor informed in any way  
7 of them?

8 "A No, he was not. I handled them on my own  
9 responsibility.

10 "Q Why was not the Emperor, as Commander-in-  
11 Chief of the Japanese Army and Navy, advised of these  
12 complaints?

13 "A I thought it was all right to handle them on  
14 my own responsibility, I sent these protests to the  
15 responsible field commanders for investigation as to  
16 the facts. The Emperor was busy and had a great deal  
17 of work so I did this on my own. Consequently, the  
18 Emperor is not responsible in connection with this  
19 matter. I am responsible."

20 The prosecution desires to have marked for  
21 identification prosecution document No. 4181 and to  
22 introduce in evidence excerpts therefrom, 4181B.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document

1 No. 4181 will be given exhibit No. 1982 for identi-  
2 fication only, and the excerpt therefrom, prosecution  
3 document 4181B, will be given exhibit No. 1982A.

4 (Whereupon, document No. 4181 was  
5 marked prosecution's exhibit No. 1982 for  
6 identification, and the excerpt therefrom,  
7 document No. 4181B, was marked prosecution's  
8 exhibit No. 1982A and received in evidence.)

9 MR. WOOLWORTH: (Reading) "Extract from  
10 Interrogation of Hideki TOJO, 27 March 1946, p. 3 - 7.

11 "Q What was the purpose of your visit to the  
12 Philippines, that you have referred to, when you  
13 spoke to the Chief of Staff in connection with the  
14 'Bataan March'?

15 "A Let's see, the independence of the Philip-  
16 pines was on 14 October 1943. It was in connection  
17 with the independence of the Philippines and condi-  
18 tions in the Philippine Islands. The purpose of it  
19 was chiefly in regard to matters related to the in-  
20 dependence of the Philippines. I principally wanted  
21 to talk to important Filipinos in connection with  
22 independence matters.

23 "Q How long were you in the Philippine Islands  
24 at this time?

25 "A About three days, I think.

1        "Q During the war, that is, from 7 December  
2        1941 until the end of the war, was that your only  
3        visit, or were you there on other occasions?  
4

5        "A No, I went twice during the war.  
6

7        "Q What was the approximate date and purpose  
8        of that visit?  
9

10       "A I arrived in Thai on 4 July 1943, I believe,  
11       and stayed there, I think, for three days -- the 4th,  
12       5th, and 6th. That was the principal objective of the  
13       visit, but on the way back, I spent two or three days  
14       in Malaya, one night in Sumatra, one night in Java,  
15       and one night in Manila; then I came back by plane  
16       via Formosa to Japan.  
17

18       "Q How many times were you in Formosa and Thai  
19       from 7 December 1941 until the end of the war?  
20

21       "A I was only in Thai the one time that I  
22       have mentioned. I was in Formosa twice, that is,  
23       going and coming, on the trip to the Philippines in  
24       May 1943; and again twice going and coming on the  
25       trip to Thai in July 1943.  
26

27       "Q What was your purpose in speaking to the  
28       Chief of Staff, on your visit in May to the Philip-  
29       pines, about the 'Bataan March'?

30       "A There were various matters in connection  
31       with the independence of the Philippines. They were  
32

1 the principal things. I spoke to the Chief of Staff  
2 about this other matter, but it was not a principal  
3 matter of discussion.

4 "Q Why did you discuss this matter at all with  
5 the Chief of Staff?

6 "A As I said before, there were various rumors  
7 of the sufferings that prisoners had experienced and  
8 I inquired of the Chief of Staff because I wanted to  
9 find out the facts about it.

10 "Q Just what did you ask him in this connection?

11 "A I said, 'I have heard these rumors about  
12 the sufferings of the prisoners. What are the facts?'  
13 He replied that it was in the broiling sun, and that  
14 means of transport were lacking and so they walked  
15 them a long ways, and that it was a fact.

16 "Q What was a fact?

17 "A That it was a fact that they had walked them  
18 this long distance.

19 "Q Did you ask him or did you find out how  
20 long the distance was that the men were marched?

21 "A I have an impression about the main conversa-  
22 tion, but I don't remember the details beyond that.

23 "Q Were you not interested in finding out what  
24 distance the men had been marched in the broiling sun?

25 "A It is difficult for me now to recall to just

what degree of detail the conversation extended.

"Q Do you know how far it is from Bataan to San Fernando?

"A I don't remember.

"Q Do you recall whether you learned from the Chief of Staff how many men had either fallen out, being unable to finish, or died during the March?

"A No, I don't remember details like that, but I got the impression that the responsible commander, who was Lieutenant General HOMMA, did what he could under the circumstances then prevailing.

"Q What led to your belief that General HOMMA had done what he could under the circumstances prevailing?

"A It is a problem of responsibility. As Supreme Commander in the Philippines at that time, he had a great responsibility to the Emperor. This responsibility was, on the one hand, to conduct the fighting and, on the other, to establish peace and order; as to prisoners, I think that, as the responsible commander, he did what he could. It is Japanese custom /tatemae/ for a commander of an expeditionary army in the field to be given a mission in the performance of which he is not subject to specific orders from Tokyo, but has

1 considerable autonomy. (This is called the heavy  
2 responsibility of an expeditionary force commander  
3 /kongai no junin/." In parentheses, reading "Missing  
4 from Japanese."

5 "Q The protest of the United States Government  
6 which was made to Japan, charged that the prisoners  
7 in the 'Bataan March' were beaten, bayoneted, ~~and~~  
8 shot. Did you discuss that with the Chief of Staff  
9 during your visit?

10 "A No, I didn't talk to him about those things.  
11 I thought that if the responsible army commander  
12 knew about those things, he would take proper action.  
13 I thought that the responsible army commander would  
14 take appropriate measures if things contrary to  
15 international law had happened.

16 "Q Did you inquire on either of your trips to  
17 the Philippines to find out if any action whatsoever  
18 had been taken in these matters?

19 "A No. As I said before, since the responsible  
20 commander had the authority I relied upon him in this  
21 matter. I only asked about the main points. Every-  
22 one thought that the Japanese character would not  
23 permit acts of an atrocious nature. This little  
24 booklet which I have here was issued on 8 January  
25 1941 in connection with the China Incident. The

1 title of it is 'Teachings for the Battlefield' (Senjin  
2 Kun). It was issued by me as War Minister and at the  
3 time of the Greater East Asia War, officers and men  
4 had the same instructions. I will quote only briefly.  
5 Properly, it is a book on fighting, but if you will  
6 translate the pages I have marked in blue pencil, I  
7 will appreciate it. I thought that these were carried  
8 out. (The booklet was given to the interpreter with  
9 the pages marked which will be translated and in-  
10 serted in the record. See attached translation of  
11 booklet which is being made a part of this interroga-  
12 tion.)

13 "Q During your two visits to the Philippines,  
14 that you have referred to, did you visit and inspect  
15 either Camp O'Donnell, or any other prison camp?

16 "A No, I didn't. I had no time for it. The  
17 only one I visited was Omori Prison Camp, here in  
18 Japan.

19 "Q While you were in the Philippines on those  
20 two occasions, did you visit any camp where civilians  
21 were interned?

22 "A No, I didn't. I am not too sure, but it  
23 seems to me I visited one camp for civilians in  
24 Malaya, I think it was. I am not sure about it.

25 "Q During either of those visits to the

1 Philippines, did you look into or inspect the treat-  
2 ment that wounded American soldiers and Filipinos  
3 were receiving?

4 "A I visited a hospital where there were  
5 wounded Japanese, but I don't know whether there  
6 were wounded Filipinos or Americans in it or not.

7 "Q And your purpose in going there was to visit  
8 the Japanese wounded, was it not?

9 "A Yes, that was the main thing.

10 "Q And you did not go to that hospital looking  
11 for either Filipinos or American wounded, did you?

12 "A No, not specially. As I said, I did visit  
13 the hospital, but I don't know whether there were  
14 any wounded Americans or Filipinos there or not.

15 "Q During your visits to Thai and Formosa,  
16 did you visit any prison camps at which American  
17 and British prisoners were interned?

18 "A No, I didn't. In Formosa, I stopped at  
19 Taihoku. I think the prison camp was at Karenko,  
20 which was a long distance away. But I went to Taihoku.

21 "Attachment: Partial translation of booklet  
22 entitled 'Teachings for the Battlefield.' (Senjin Kun).

23 "NOTE: The witness produced a 32-page  
24 pamphlet entitled 'Teachings for the Battlefield'  
25 (Senjin Kun), issued on 8 January 1941, over his own

1 name, several passages of which were underlined.  
2

2 The underlined passages are translated as follows:  
3

3 "Page 2 and 3: 'When within the surround-  
4 ings of the battlefield, one is apt to be absorbed  
5 by what is immediately before one's eyes and stray  
6 from principles and occasionally these acts may be  
7 contrary to one's duty as a soldier. Much discretion  
8 is needed.'

9 "Page 5 and 6: 'To obey Imperial commands,  
10 to be brave as well as just, to be humane as well  
11 as brave, and to realize the grand harmony of the  
12 world -- such is the spirit of the Emperor Jimmu,  
13 (first Emperor of Japan). Bravery must be stern and  
14 charity must be far-reaching. If there is any enemy  
15 resisting the Imperial troops, we must destroy him  
16 with our tempestuous military power. Even if we  
17 succeed in subduing our enemy with our unrelenting  
18 power, if we lack the grace of refraining from  
19 attacking those who have laid down their arms and of  
20 treating kindly those who obey us, we can hardly be  
21 called perfect (soldiers).'

22 "Page 24 and 25: 'Care must be taken in  
23 the protection of property and materials owned by  
24 the enemy. Requisition, confiscation and destruction  
25 of materials, etc., must always be effected in

1 accordance with regulations and invariably in  
2 conformity with orders by commanding officers. In  
3 view of the basic principles of the Imperial Army,  
4 we must be magnanimous of heart and treat innocent  
5 inhabitants with kindness."

6 The prosecution desires to have marked  
7 for identification document No. 4182 and to introduce  
8 in evidence document 4182A, the excerpts therefrom.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document  
11 No. 4182 will receive exhibit No. 1983 for identifi-  
12 cation only, and the excerpt therefrom, document No.  
13 4182A, will receive exhibit No. 1983A.

14 (Whereupon, document No. 4182 was  
15 marked prosecution's exhibit No. 1983 for  
16 identification, and the excerpt therefrom,  
17 document No. 4182A, was marked prosecution's  
18 exhibit No. 1983A and received in evidence.)

19 MR. WOOLWORTH: (Reading) "Extract from  
20 Interrogation of Hideki TOJO, 28 March 1946, p. 1 - 4.

21 "Q Within a month after the war with America  
22 started, was not the Prisoner of War Information  
23 Bureau set up?

24 "A Yes, it was. It was set up on a basis of  
25 treaties.

1        "Q    Within two or three months thereafter, there  
2        was set up, was there not, the Prisoner of War Ad-  
3        ministrative Section? I am not sure if this is the  
4        correct Japanese title for it, however.

5        "A    All the work dealing with military prisoners  
6        was handled by the Prisoner Information Bureau, I  
7        think. Was this a public body?

8        "Q    Yes, I think it was part of the War Depart-  
9        ment and very similar to the Prisoner Information  
10      Bureau.

11      "A    I believe it was handled by the Prisoner  
12      Information Bureau. There was a separate body under  
13      the Home Ministry, however, to deal with civilians.  
14      I don't know what the name of that was.

15      "Q    What organizations, in addition to the  
16      Prisoner of War Information Bureau, were set up by  
17      the War Department for dealing with prisoners?

18      "A    Besides the Prisoner of War Information  
19      Bureau, there were the Prisoner Reception Centers  
20      (shuyojo).

21      "Q    Were there a number of these?

22      "A    Yes.

23      "Q    And the number and locations of these  
24      were fixed by the Minister of War, were they not?

25      "A    Yes, as the number of prisoners increased

1 the number of centers increased in the same way.  
2

3 "Q And regulations and orders with respect  
4 to prisoners of war were either made or approved  
5 by the War Minister, were they not?  
6

7 "A Yes, of course.  
8

9 "Q So that certain clerical work with respect  
10 to prisoners of war was done here in Tokyo, but  
11 the actual handling of prisoners in the field was  
12 performed by the heads of the centers under the  
13 regulations and orders received from the War Depart-  
14 ment, was it not?  
15

16 "A Yes, of course. About the orders, there  
17 was one other thing. The War Minister issued the  
18 orders, but the army commanders could issue further  
19 orders on the basis of those issued by the War  
20 Minister.  
21

22 "Q Did those orders have to be consistent in  
23 principle with the orders issued by the War Minister?  
24

25 "A Yes, of course. They were issued on a  
basis of the War Minister's orders.  
26

27 "Q And the clerical work, which was done with  
28 respect to the prisoners in Tokyo, was directly under  
29 the Military Affairs Bureau, was it not?  
30

31 "A It was done by the Military Affairs Bureau.  
32 The rules were the result of conferences between the  
33

1 Chief of the Military Affairs Bureau and the General  
2 Staff.

3 "Q You mean the Chief of the General Staff?

4 "A No, someone under him.

5 "Q How many members of the General Staff did  
6 the Chief of the Military Affairs Board confer with  
7 in connection with these matters, and who were they?

8 "A The head of the Military Affairs Bureau  
9 was a member of the War Department, of course.  
10 Depending on the nature of the problem, he would  
11 confer with any one of the four General Staff Sec-  
12 tions, that is to say, with the first section, Opera-  
13 tions; second section, Intelligence; third section,  
14 Transport; or with the General Affairs Section.

15 "Q Who was head of the Military Affairs Bureau  
16 within a short time after the war with America  
17 started?

18 "A Akira IUTO. At that time he was a major  
19 general.

20 "Q How long did he remain Chief of the Military  
21 Affairs Bureau?

22 "A I don't remember well, but I think he  
23 remained in that position until August or October  
24 of 1942.

25 "Q Who was head of the Prisoner of War

Information Bureau at the beginning of the war and after?

"A Lieutenant General UEMURA. I don't know his first name.

"Q Was it Mikio?

"A I think so.

6 "Q Do you remember telling Lieutenant General  
7 UEMURA that the prisoners of war must be used to  
8 increase Japan's production?

"A I permitted their use in factories. This was based on treaties.

1 "Q Do you recall also stating, in early 1942,  
2 that in order to show the might of Japan, it would  
3 be necessary to establish prisoner of war camps in  
4 Korea, Formosa, Manchuria and China and have the  
5 prisoners undergo compulsory labor?  
6

17 "A. Do you mean that I said that?

18 "Q Didn't you say that in substance if not in  
19 the same words?

20 "A No. The location of the camps was determined  
21 by transport considerations and labor considerations.  
22 One other thing I would like to say. You spoke of  
23 forced labor /kyosei rodo/. It was not that. This  
24 was based on international law which enables prisoners  
25 of the rank of petty officer and below to be employed

1 as workers. Commissioned officers can be employed  
2 at their own request. I think that was specified  
3 in the rules which I issued as Minister of War and  
4 to which I referred a moment ago.

5 "Q Who succeeded MUTO as head of the Military  
6 Affairs Bureau?

7 "A Kenryo SATO. At that time he was a major  
8 general."

Duda & Leder

Prosecution desires to introduce in evidence document No. 4182-D, excerpt from document No. 4182.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document No. 4182-A will receive exhibit No. 1983-B.

(Whereupon, the document above

referred to was marked prosecution's exhibit No. 1983-B and received in evidence.)

11 MR. WOOLWORTH: "Extract from Interrogation  
12 of Hideki TOJO, 28 March 1946." Pages 7 to 8.

13 "Q Had you heard at any time that the treat-  
14 ment received by prisoners of war in the Philippines,  
15 Formosa, and Thailand was not only inhumane, but was  
16 below the standard given to Japanese prisoners of  
17 war?

18 "A I supposed that the treatment being given to  
19 prisoners was on the same level as that given to our  
20 own troops. However the conditions under which  
21 Japanese troops lived were bad and to that extent the  
22 treatment given to prisoners of war was bad too. In  
23 regard to Thailand, I do know that I heard that  
24 prisoners had been mistreated by officers in the  
25 building of the railroad between Thai and Burma, that

1 prisoners were made to work when they were sick, and,  
on the basis of this, I ordered a court martial.

3 "Q. Other than at Bataan and the building of  
4 this railroad that you refer to, did you hear of  
5 any other mistreatment of American or British  
prisoners of war?

7 "A I have told you about the Thai-Burma  
8 thing just now. Aside from those two, I haven't  
9 heard much of that sort of thing. In connection  
10 with China, two or three cases came to my atten-  
11 tion. Of course the authorities on the spot con-  
12 ducted courts martial, the results of which were  
13 forwarded to me for information as War Minister. On  
14 two or three occasions I was not satisfied with the  
15 results of the courts martial since the cases had  
16 been dropped, and I sent them back for reconsidera-  
17 tion.

18 "Q. You have stated that you knew complaints  
19 came into the Foreign Office and were sent to your  
20 office in connection with the mistreatment of  
21 prisoners and civilians. Did you or did you not  
22 acquaint yourself with the nature and content of  
23 these complaints?

24 "A These matters were usually brought up at  
25 the meetings of the bureau chiefs of the War

1 Department. These meetings were held twice a week.  
2 Either the Chief of the Prisoner of War Informa-  
3 tion Bureau or the Military Affairs Bureau would  
4 bring them up. They were referred by the bureau  
5 chief meetings to the commander in the field who  
6 had the authority to act. If there was inhumane  
7 treatment, he would take measures accordingly, and  
8 the secret would quickly come back to me as War  
9 Minister."

10 Prosecution desires to have marked for  
11 identification document 4183 and will introduce in  
12 evidence document No. 4183-A, excerpt therefrom.

13 THE PRESIDENT: Admitted on the usual  
14 terms.

15 CLERK OF THE COURT: Prosecution's docu-  
16 ment No. 4183 will receive exhibit No. 1984 for  
17 identification only, and the excerpt therefrom,  
18 document No. 4183-A, will receive exhibit No. 1984-A.

19 (Whereupon, the document above re-  
20 ferred to was marked prosecution's exhibit  
21 No. 1984 for identification, and the excerpt  
22 therefrom was marked prosecution's exhibit  
23 No. 1984-A and received in evidence.)

24 MR. WOOLWORTH: "Extract from Interrogation  
25 of Hideki TOJO, 29 March 1946." Pages 1 to 4.

1        "Q  Were you not responsible for the rules, the  
2        orders and the action taken which led to the sentences  
3        of execution or imprisonment of American fliers since  
4        7 December 1941?

5        "A  Of course I am responsible for army orders  
6        and regulations.

7        "Q  You mean for such orders and regulations?

8        "A  Well, I am not just sure what ones you  
9        refer to. I don't remember any regulations par-  
10        ticularly directed against fliers before 18 October  
11        1942 when Japan was raided by American fliers.  
12        There may have been some before that, but I don't  
13        remember clearly. I do remember that there were  
14        some after that.

15        "Q  For what actions taken at that time or  
16        afterwards in this connection were you responsible?

17        "A  The raid on 18 October 1942 was contrary  
18        to international law. It was not against troops but  
19        against non-combatants, primary school students, and  
20        so forth. We knew this and, since this was not  
21        permitted by international law, it was homicide  
22        (satsu-jin). Japan acted on this concept and I  
23        ordered (kaketa) courts martial (gunritsu kaigi), or  
24        at least they were just about like courts martial.

25        You probably won't be able to understand this

1 unless you understand something about Japanese  
2 feelings at this time. This was the first time  
3 Japan had been bombed, and it was a great shock.  
4 Public feeling ran very high. Now, of course, since  
5 the indiscriminate bombing of medium and small  
6 cities which were undefended and the use of the  
7 atom bomb, all things which are not permitted under  
8 international law, the tragic spectacle of this  
9 country today makes this first raid look like a  
10 very small thing, but it was a great shock to the  
11 people at the time.

12 "Q And the extreme punishments meted out to  
13 these first fliers were mainly given as a deterrent  
14 to prevent future raids, were they not?

15 "A Yes, they were for that reason. There was  
16 a demand from Imperial Headquarters. The Army  
17 Chief of Staff came to me directly and demanded  
18 severe punishment for the fliers.

19 "Q Who was the Army Chief of Staff?

20 "A SIGIYAMA.

21 "Q What did you say in reply, and what did  
22 you do as a result of this request?

23 "A I issued this order. It was an order for  
24 military administration. As to the form, I am not  
25 positive whether the order was issued over my name

1       or by Imperial Headquarters, but no matter who  
2       issued it, I am responsible for it.

3       "Q   Who else from Imperial Headquarters was  
4       the Chief of Staff speaking for when he made the  
5       request that he did of you for this punishment?

6       "A   He came on his own responsibility, not  
7       representing anyone else. I remember this because  
8       the Chief of Staff didn't often come to me directly  
9       about things.

10       "Q   Did you receive any order from the Emperor  
11       in this connection, or discuss the matter with him  
12       or report to him before taking the action that you  
13       did?

14       "A   The Emperor is not related at all to this  
15       problem. When the report of the court martial  
16       came from China to the Chief of Staff and to myself,  
17       the verdict, as I recall it, was that all eight men  
18       were to be executed. The Chief of Staff came to  
19       me and demanded that the findings of the court be  
20       carried out. I knew, however, of the Emperor's  
21       benevolence and, with that in mind, and because of  
22       his feelings, wished to have only the minimum  
23       number of men executed. Therefore, it was decided  
24       that only the three who had killed primary school  
25       students would receive the death penalty. This was

1 discussed with the Emperor, since the Emperor in  
2 Japan is the only one who can commute a sentence,  
3 and it was decided that way. That one point was  
4 the Emperor's only relation to the thing.  
5

6 "Q So the Emperor reviewed all eight cases and  
7 commuted the death penalties from eight to three?  
8

9 "A No, he didn't review them. In Japan,  
10 courts martial have only one hearing. That is be-  
11 cause of their military character. Ordinary  
trials have three hearings.  
12

13 "Q On what basis did the Emperor take this  
action? Did you propose it?  
14

15 "A Yes, I did. It was on my responsibility as  
16 adviser to the Throne, but the commutation was the  
17 Emperor's because of the fact that the Emperor is  
18 invariably benevolent.  
19  
20  
21  
22  
23  
24  
25

1           "Q Was not this order, which was issued by  
2 you for the trial and punishment of these fliers, an  
3 ex post facto law?

4           "A Yes, it was.

5           "Q Then the order of occurrences was as follows:  
6 the raid, the capture of the fliers, the order which  
7 you issued, the trial, and the executions?

8           "A Yes.

9           "Q And the order that you issued provided for  
10 the trial and punishment?

11           "A Yes, it was the basis. However, the order,  
12 in turn, was based on the fact of the raid. Of course  
13 the order was not an order to execute eight men, it  
14 was an order whereby trials could be held based on  
15 the fact of the raid.

16           "Q So that, as the result of the raid, this  
17 order or law was promulgated by you and made retro-  
18 active to the date of the raid?

19           "A Yes."

20           Prosecution desires to introduce in evidence  
21 document No. 4183-B, excerpts from document 4183.

22           THE PRESIDENT: Admitted on the usual terms.

23           CLERK OF THE COURT: Prosecution's document  
24 No. 4183-B will receive exhibit No. 1984-B.

25           Whereupon, the document above

1 referred to was marked prosecution's exhibit  
2 No. 1984-B and received in evidence.)

3 MR. WOOLWORTH: (Reading) "Extract from  
4 Interrogation of Hideki TOJO, 29 March 1946. Pages 6-7.

5 "Q Did not the heads of the various prison  
6 camps have to make a monthly report to the Military  
7 Bureau with respect to the prisoners under their  
8 care in connection with food, health, labor, and so  
9 forth?

10 "A I think they did on a basis of regulations.  
11 This is a routine matter.

12 "Q And those reports were consolidated, were  
13 they not, and sent to the War Minister?

14 "A The War Minister received a stack of papers  
15 about a foot and a half high each day, and I suppose  
16 that was among them.

17 "Q You do know, do you not, that those reports  
18 were compiled and forwarded to the War Minister?

19 "A The extracts were probably reported on at  
20 the meetings of the bureau chiefs which took place twice  
21 weekly.

22 "Q Was the matter of the death rate from mal-  
23 nutrition, and other causes, shown by these reports  
24 discussed at these meetings?

25 "A Yes, it was, and I paid particular attention

1 to it. The responsibility for these matters belongs  
2 to the army commanders in the field. However, when  
3 they couldn't fulfill their responsibilities, they  
4 would make requests of the War Ministry. These  
5 requests came to the chief of the Military Affairs  
6 Bureau and, after consultation between the latter and  
7 the commanders in the field, the War Ministry would  
8 take action either by sending food, or some other  
9 means."

10 Prosecution desires to introduce in evidence  
11 document No. 1632-W(95), extract from entry from  
12 Marquis KIDO's Liary.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document  
15 No. 1632-W(95) will receive exhibit No. 1985.

16 (Whereupon, the document above  
17 referred to was marked prosecution's exhibit  
18 No. 1985 and received in evidence.)

19 MR. WOOLWORTH: (Reading) "Extract from Entry  
20 from Marquis KIDO's Liary. 13th March 1942.

21 "I went to the office at 10.00 a.m.

22 "At 3 o'clock the Imperial Household Minister  
23 came to the office and told me about Eden's address  
24 in Parliament concerning our soldiers' atrocities at  
25 Hong Kong, and we exchanged opinions."

1 Prosecution desires to introduce in evidence  
2 document No. 1632-W(96), extract from entry from  
3 Marquis KIDO's Diary.

4 THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document  
No. 1632-W(96) will receive exhibit No. 1986.

(Whereupon, the document above referred to was marked prosecution's exhibit No. 1986 and received in evidence.)

10 MR. WOOLWORTH: (Reading) "Extract from  
11 Entry from Marquis KILO's Liary. 21st May 1942.

12 "Chief aide-de-camp came to my room and  
13 related to me about the manner in which the American  
14 POWs taken in the /T.N. Loolittle/ air raid were dealt  
15 with."

16 THE PRESIDENT: We will recess for fifteen  
17 minutes.

18 (Whereupon, at 1045, a recess was  
19 taken until 1100, after which the proceedings  
20 were resumed as follows:)

1 THE PRESIDENT: Colonel Woolworth.

2 COLONEL WOOLWORTH: If the Tribunal please,  
3 the prosecution desires to introduce in evidence  
4 document No. 1632W(98), being an extract from entry  
5 from Marquis KIDO's diary.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document  
8 No. 1632W(98) will receive exhibit No. 1987.

9 (Whereupon, the document above re-  
10 ferred to was marked prosecution's exhibit  
11 No. 1987 and received in evidence.)

12 MR. WOOLWORTH: (Reading) "Extract from  
13 Entry from Marquis KIDO's Diary, 3 October 1942.

14 "At 11:30 Premier TOJO came to see me in my  
15 room and requested me to inform the Emperor regarding  
16 the details of the treatment of American prisoners  
17 who participated in the /T.N. Doolittle/ raid last  
18 April 18th. From 1:05 to 1:15 I reported to the  
19 Emperor as Premier TOJO requested. The Chief of  
20 Staff will report on this in the near future."

21 The prosecution desires to introduce in  
22 evidence document No. 2732-A, which is monthly report  
23 from the Prisoner of War Camps Commandant in Thailand.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution's document

1 No. 2732-A will receive exhibit No. 1988.

2 (Whereupon, the document above re-  
3 ferred to was marked prosecution's exhibit  
4 No. 1988 and received in evidence.)

5 MR. WOOLWORTH (Reading): "BA-98

6 "Military Secret

7 "Telegram Translation

8 "Place of Dispatch: Kanburi

9 "Sent: 12:10 a.m. (p.m.) on September 3, 1943

10 "Arrived: 9:00 a.m. (p.m.) on September 4, 1943

11 "From: POW Camps Commandant in Thailand.

12 "To: Chief of POW Information Bureau.

13 "Telegram No. Tai-Fu-Shu-Den 715.

14 "The gist of the monthly report for August

15 is as follows (?):

16 "1. Prisoners of War - 40,314 (including  
17 7,328 enroute (?) to Japan Proper).

18 "2. Sick Prisoners: 15,064 (6 words under  
19 inquiry) main diseases are malaria, malnutrition,  
20 'gaihi' disease, beri-beri, etc.

21 "3. Thirty-seven have died, thirteen of them  
22 from malaria, four from beri-beri, three from pneumonia (?),  
23 three from pellagra, and fourteen from other diseases.

24 "4. The number of prisoners who were engaged  
25 in indoor (?) work was 12,361 (?) a day on the average.

1 "Work directly collaborating with the rail-  
2 road - 1,395 men.

3 "Work collaborating with the unit - 4,772 men.

4 "5. Special labor corps (?) - 814 men  
5 (patients - 88, average number of laborers per day -  
6 734) no death.

7 "6. POW mail - 90,427 received. No dis-  
8 patch. Four messages addressed to POW's.

9 "7. No relief money (?) or goods for POW's  
10 received.

11 "8. Strict precautions are being made and  
12 also, concentration principle was taken to intensify  
13 the collaboration between the railroad unit. Five  
14 divisions and three detachments were organized.

15 "9. Both POW's and special laborers are quiet.

16 "10. 2,800 POW's waiting at Singapore are  
17 scheduled to get on board on the 5th of September.

18 "Telegram sent to: 'I'; POW Information  
19 Bureau.

20 "Telegram received: POW Information Bureau-  
21 5 September 1943.

22 "SEAL FUJIKURA No. 10.

23 - - -

24 "BA-98

25 "Military Secret

1 "Telegram Translation  
2 "Place of Dispatch: Kanburi  
3 "Sent 2350 (11:50 p.m.) on September 7, 1943  
4 "Arrived: 2000 (8:00 p.m.) on September 8,  
5 1943.

6 "From: POW Camps Commandant in Thailand  
7 "To; Chief of POW Information Bureau  
8 "No. 1.

9 "We request you to insert the following in  
10 the obscure part of the main sentence in Telegram  
11 No. Tai-Fu-shu-Den 715, distributed on September 5th:

12 "'Ratio to the total number - 37.06%.'

13 "NOTE: \* The sick POW's are reported to be  
14 15,064 (ratio for the total number is 37.06%), but  
15 37.06% of the total number 40,314 is 14,940. There  
16 seems to be some mistake in the calculation of the  
17 ratio to the total number. However, this figure has  
18 not been calculated by the POW Information Bureau;  
19 the figures in the original document from the actual  
20 place have been copied as they stand.

21 \* (T.N. Added in ink on original document).  
22 "Received POW Information Bureau 11 September  
23 1943.

24 "SEAL FUJIKURA No. 33

25 This contains the usual statement of

1       authenticity.

2           THE PRESIDENT: We note a number of interro-  
3       gation marks on the first page. Do they suggest a  
4       doubt as to whether the preceding word is the right  
5       word or not?

6           MR. WOOLWORTH: The question marks were on  
7       the original Japanese document.

8           THE PRESIDENT: Mr. Justice Mansfield.

9           MR. JUSTICE MANSFIELD: If the Tribunal please,  
10       the prosecution now produces for cross-examination  
11       OGIYA, Yorio, whose attendance was ordered by the  
12       Tribunal on the application of the defense. His affi-  
13       davit is exhibit 1925-A.

14           MARSHAL OF THE COURT: Is the witness to  
15       be sworn?

16           THE PRESIDENT: He is already on his former  
17       oath. This man has not been sworn before?

18           MR. JUSTICE MANSFIELD: No, if the Court  
19       pleases.

20           THE MONITOR: Mr. Prosecutor, what is the  
21       prosecution number of 1925-A, sir?

22           MR. JUSTICE MANSFIELD: Exhibit 1925-A.

23           THE MONITOR: Yes, sir. What is the prose-  
24       cution number for it, please?

25           MR. JUSTICE MANSFIELD: 8223.

OGIYA

DIRECT CROSS

1 YORIO OGIYA, called as a witness on behalf  
2 of the prosecution, being first duly sworn,  
3 testified as follows:

## 4 DIRECT EXAMINATION

5 BY MR. JUSTICE MANFIELD:

6 Q What is your full name?

7 A OGIYA, Yorio.

8 Q And you are at present confined in Sugamo  
9 Prison?

10 A Yes.

11 Q You are a deponent of an affidavit dated  
12 the 8th of February, 1946?

13 A Yes.

14 MR. JUSTICE MANFIELD: The defense may  
15 cross-examine this witness now. I have no further  
16 questions.

## 17 CROSS-EXAMINATION

18 BY MR. KUSANO:

19 Q Mr. Witness, is what you have written in  
20 this affidavit true and correct?

21 A Yes, no mistakes.

22 Q What schools have you attended, Mr. Witness?

23 A To what extent, sir?

24 Q From middle grade school about?

25 A In March, 1938, graduated the Third -- the

OGIYA

CROSS

1 Tokyo Third Prefectural Middle School; and in April  
2 of that year entered the College Division of Chuo  
3 University in the Department of Law; graduated the  
4 Law Department of that college in March, 1941;  
5 April, 1941, entered the University Division of the  
6 Law College; graduated the same school in 1943, March.

7 Q In one of the questions put to you in this  
8 affidavit it is said: "When were you assigned to  
9 the Central Army Area Headquarters?" Well, that  
10 is a question as written in your affidavit -- as  
11 found in your affidavit. Now, does that mean --  
12 does the Central Army Area Headquarters here mean  
13 the headquarters of the Eastern Army -- Eastern  
14 District Army?

15 A Yes.

16 Q In other words, when you refer to this  
17 Central Headquarters, that is the one based in Osaka,  
18 is it not?

19 THE INTERPRETER: The answer was "yes."

20 A Yes.

21 Q What position did you occupy -- what was  
22 your occupation at the Central Army -- Central  
23 District Army Headquarters?

24 A I was assigned to the Legal Affairs Section  
25 and handled general business matters.

OGIYA

CROSS

1       Q    Were you ever engaged in duties as a  
2   prosecutor?

3       A    Yes.

4       Q    In your affidavit the word "public pro-  
5   curator" is used -- is the word as used -- the word  
6   written is "public procurator" as used. Now does  
7   that mean that you are a procurator -- prosecutor?

8       A    That is a procurator who attends to another  
9   prosecutor and should be translated as "presenting  
10   prosecutor."

11      THE MONITOR: Perhaps that should be  
12   "attending procurator."

13

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OGIYA

CROSS

1                   Q Now, turning to the question on the--the  
2 last question on page 5 of the Japanese text of  
3 your affidavit, "Who gave you the order to demand  
4 the death penalty for Nelson and Auganus?"-- Now,  
5 to that question you have answered, according to  
6 your affidavit, as follows:

7                   "After Major General OTAHARA completed his  
8 investigation, he wrote an opinion based on his  
9 investigation and forwarded this opinion to Lt.  
10 Gen. Eitaro UCHIYAMA, Commander of the Central Army  
11 Headquarters to get an approval of the death sentence.  
12 Then, after obtaining the approval of General  
13 UCHIYAMA, Major General OTAHARA took his opinion  
14 to General HATA, who was in command of the Second  
15 General Army, and also got his approval of the  
16 death penalty."

17                   Well, now, in this testimony you testified  
18 that-- you said, "After obtaining the approval of  
19 death" -- correction, please--approval of General  
20 UCHIYAMA -- after obtaining the approval of General  
21 UCHIYAMA, Major General OTAHARA took his opinion to  
22 General HATA, who was in command of the Second  
23 General Army."

24                   You answered in those words. Now, are you  
25 sure of your answer here?

OGIYA

CROSS

1                   A   The obtaining of the approval of the  
2                   death penalty may be a mistake in translation.  
3                   In the light of his office, it is not imaginable  
4                   that a Procurator could receive an approval of the  
5                   death penalty. It would be possible, however, for  
6                   a Procurator to obtain the approval of the method  
7                   of execution. It is possible for the Procurator to  
8                   obtain approval of a demand for a death penalty.

9                   Q   Well, then, I will reframe my question and  
10                  ask you the same question in different words by  
11                  saying "demanded the approval of the death sen-  
12                  tence, et cetera." You meant-- You didn't mean to  
13                  say that this penalty was demanded, or approval for  
14                  the indictment was demanded, or approval for passing --  
15                  delivering sentence was demanded --

16                  THE MONITOR: Slight correction: When you  
17                  said that the approval of the death penalty was  
18                  received, you didn't mean that -- by that you didn't  
19                  mean the approval of the indictment or the sentence  
20                  of the trial? You meant by that approval of -- by  
21                  that you meant to put these people on trial?

22                  THE INTERPRETER: Correction of the whole  
23                  passage: When you spoke of receiving the approval  
24                  of the death penalty, you meant asking for approval  
25

OGIYA

CROSS

1 for -- asking the death sentence rather than the  
2 approval of an indictment or approval of a sentence,  
3 isn't that so? Will you answer my question?

4 Yes, I will. Of course. With respect to  
5 that matter, whether the case should -- the indict-  
6 ment should be made or not, the Procurator prepares  
7 an opinion report and this opinion report, having  
8 been approved by General UCHIYAMA, it may be said  
9 that with respect to this -- in accordance with  
10 this opinion report the indictment was made.

11 I think the main problem is after receiving  
12 the agreements to the indictment. In other words,  
13 this being an important international problem,  
14 requiring in respect of such question as the death  
15 penalty the utmost caution and the most careful  
16 consideration, I think that approval for the demand  
17 or request for the death penalty was submitted in  
18 advance, and therefore on that basis OTAHARA sub-  
19 mitted as his opinion to request the approval of  
20 UCHIYAMA -- the demand of the supreme penalty --  
21 to ask for UCHIYAMA'S approval; and I have heard  
22 that it was then thereafter that the approval for  
23 the Commander of the Second General Army, General  
24 HATA, was requested, and I have heard then there-  
25 after that the approval of the War Minister in  
Tokyo was requested.

OGIYA

CROSS

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1 Q Well, then am I allowed to understand that  
2 passage to mean that approval of requesting the penalty  
3 was requested, is that what you meant by that passage?

4 A I think it was the request for approval for  
5 the request for the death penalty with the indictment  
6 as the premise.

7 Q Then, a military tribunal, like other trials,  
8 means the judicial independence, does it not?

9 A Yes.

10 Q Then, as far as the trials are concerned no  
11 interference was made either by the War Minister or  
12 the commander of the army or any other persons?

13 A Of course, there is no interference of the  
14 trial itself.

15 Q What I am asking was that no interference  
16 was made as to the trials, proceedings of the trials,  
17 or the delivery of the sentence?

18 A As you say.

19 MR. KUSANO: That is all.

20 DR. KIYOSÉ: Mr. President, I should like to  
21 say a word regarding the translation at the moment.  
22 There was something said about the independence of the  
23 trial, but that I think should be translated as "inde-  
24 pence of the findings and the sentence." I think  
25 it is a very highly important matter. If the

OGIYA

CROSS

1 prosecution has any objections to make, we would like  
2 to submit the matter to the Language Arbitration Board.

3 MR. JUSTICE MANSFIELD: The prosecution has  
4 no objection to the matter being submitted to the Lan-  
5 guage Officer.

6 THE PRESIDENT: It will be referred to the  
7 board.

8 Captain Lazarus.

9 DR. KIYOSE: I should like to ask also to the  
10 witness, because the witness seems to understand Eng-  
11 lish, whether he prefers to have the word "saiban" in  
12 Japanese translated into "proceedings of trials" or  
13 "findings and proceedings" -- "finding and judgment?"

14 THE WITNESS: I approve of the purport of that  
15 question.

16 THE PRESIDENT: The less we say at this stage  
17 the better. We leave it to re-examination to clear  
18 this mess up.

19 CROSS-EXAMINATION (Continued)

20 BY MR. LAZARUS:

21 Q Mr. Witness, you stated that you heard that  
22 the approval of General HATA was requested. Do you  
23 have any more concrete information than that to give  
24 this Tribunal?

25 A The matters to which I have testified did

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1 not come to my knowledge directly. They are based on  
2 what I heard from my chief, OTAHARA.

3 Q Then you, yourself, do not know whether or  
4 not General HATA ever approved or ever heard of this  
5 trial?

6 A No, I have heard of it. There is no mistake  
7 about that.

8 Q What is it that you have heard?

9 A That is what I have stated in answer to ques-  
10 tions by the defense counsel previous to you.

11 Q Then, let me understand you, please. You  
12 have heard that General HATA's approval was sought,  
13 but you do not know of your own knowledge whether Gen-  
14 eral HATA ever gave his approval or ever heard of the  
15 case?

16 A I have heard from General OTAHARA that there  
17 was no mistake; there was no mistake to the fact that  
18 Field Marshal HATA gave his agreement to the request  
19 for the death penalty -- request for approval for the  
20 death penalty.

21 Q Then, the only information you have as to  
22 General HATA's knowledge of this case is the fact  
23 that General OTAHARA told you that General HATA had  
24 approved?

25 A Yes.

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1 Q Now, this trial was held under the jurisdiction  
2 of the 15th Area Army under the command of Lieutenant  
3 General OCHIYAMA, isn't that so?

4 A Yes.

5 Q The Second General Army, of which General HATA  
6 was commanding general, had nothing to do with administrative  
7 matters of the 15th Area Army, isn't that  
8 correct?

9 A I am not familiar with that matter.

10 Q Isn't it a fact that the Second General Army  
11 had been created to prepare for the defense of the  
12 Japanese homeland, and that was its only duty?

13 A I have heard of that.

14 Q After the decision was rendered condemning the  
15 American flyers to death, was the approval of General  
16 HATA for the execution of the sentence sought?

17 A No.

18 Q Was the approval of anyone sought before the  
19 sentence was executed?

20 A Commander OCHIYAMA.

21 Q And that was because OCHIYAMA was commanding  
22 general of the 15th Area Army which had complete charge  
23 and sole charge of this trial, isn't that so?

24 A Yes.

25 Q Did you ever see any documents relating to

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1 this trial that had been signed by General HATA per-  
2 sonally?

3 A No, I have not.

4 Q Then, I ask again for the last time, as far as  
5 you know the only connection that General HATA had with  
6 this trial is General OTAHARA's statement to you that  
7 he, OTAHARA, had gotten General HATA's approval for  
8 requesting the death sentence at the trial?

9 A Yes.

10 MR. LAZARUS: Thank you. No further questions  
11 from me, Mr. President. Thank you, sir.

12 THE PRESIDENT: Counsellor SHIMANOUCHI.

13 CROSS-EXAMINATION (Continued)

14 BY MR. SHIMANOUCHI:

15 Q When and where did Second Lieutenant Nelson  
16 and Sergeant Auganus attack -- bomb?

17 A They bombed Tokyo on March 10, 1945, Osaka  
18 March 14 of the same year, and Kobe March 17 of the  
19 same year.

20 Q Where -- what places did they bomb in Tokyo  
21 on the 9th of March?

22 A Regarding that point any area outside of the  
23 military munitions area. May I repeat, regarding that  
24 point this particular matter was not given much im-  
25 portance at the trial proceedings.

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1           Q    What parts did they attack or bomb?

2           A    As you can see for yourself, the central part  
3           of Tokyo.

4           Q    Did they bomb residential quarters of civil-  
5            ians in general?

6           A    That is included.

7           Q    Were Sergeant Auganus and Second Lieutenant  
8            Nelson aware of the fact that they were bombing resi-  
9            dential quarters?

10          A    Regarding Tokyo there was not much of a prob-  
11          lem, but Osaka--

12          Q    I am asking about Tokyo.

13          A    I do not know much with respect to that mat-  
14          ter, that point.

15          Q    Then, by this bombing to what extent Tokyo  
16          was damaged?

17          A    I do not know the details. I am not familiar  
18          with the details.

19          Q    Are you aware of the fact that a large number  
20          of non-combatant citizens of Tokyo died or were killed  
21          or wounded as a result of the bombing?

22          THE PRESIDENT: If we are to apply our rule,  
23          he can tell you only what he learned in the course of  
24          inquiry from the evidence. That evidence may or may  
25          not be available to the defense.

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1           Q    Then, I will ask you a question concerning  
2           the air raid of Osaka on the 14th of March. What parts  
3           of Osaka were attacked by that raid?

4           A    Both targets of military importance and non-  
5           military targets.

6           Q    Do you mean to include in your non-military  
7           targets general residential quarters of the citizens  
8           other than military establishments?

9           THE PRESIDENT: This is not a serious question.  
10          The prosecution cannot claim that the Americans did  
11          not bomb residential areas in the course of bombing  
12          Tokyo and Osaka. What does it matter whether particu-  
13          lar flyers did or did not do so? Do I understand the  
14          attitude of the prosecution rightly?

15          MR. JUSTICE MANSFIELD: The prosecution took  
16          no objection to your Honor's statement. The prosecution  
17          agrees with your Honor's statement.

18          Q    What damage or damages did the city of Osaka  
19          receive as a result of bombing?

20          MR. JUSTICE MANSFIELD: I object, if the Tri-  
21          bunal pleases. I submit that the question is irrele-  
22          vant.

23          THE PRESIDENT: The counsellor heard what I  
24          said and he heard what the prosecution said. No ques-  
25          tion arises about those matters. You are wasting time

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1       in putting such questions. The question is disallowed  
2       in the interests of time saving.

3            MR. SHIMANOUCHI: May I ask some questions on  
4       other points?

5            THE PRESIDENT: I do not know what points  
6       they are, and I will not know until you put the ques-  
7       tion whether it is allowable.

8            Q    Mr. Witness, you testified that you requested  
9       for the approval of the execution of the death penalty  
10      for Lieutenant Nelson and Sergeant Auganus to your  
11      superior -- you requested to your superior officer  
12      to give the approval for carrying out of the death  
13      sentence of Lieutenant Nelson and Sergeant Auganus.

14           THE MONITOR: Mr. Witness, you testified  
15      that request for approval was made to senior officers  
16      with respect to granting approval of the request for  
17      the death penalty in connection with Second Lieutenant  
18      Nelson and Sergeant Auganus.

19           A    I don't recall ever having said that.

20           Q    Well now, did your superior officer, General  
21      OTAHARA, ask for the approval?

22           A    Whose approval?

23           Q    That is, did General OTAHARA ask Commander  
24      OCHIYAMA and others for granting approval for the  
25      request of death for Lieutenant Nelson and Sergeant

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1 Auganus?

2 A Yes.

3 THE PRESIDENT: We will adjourn until half  
4 past one.

5 (Whereupon, at 1200, a recess was taken.)

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The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now resumed

YORIO OGIYA, recalled as a witness on behalf  
of the prosecution, resumed the stand.

MR. SHIMANOUCHI: During the recess I have  
conferred with the court reporters and found out that  
the question which I asked immediately before the  
noon recess had already been asked by some other  
counsel; therefore, I should like to strike out the  
question which I put to the witness prior to the noon  
recess. I have no further questions, Mr. President.

DR. KIYOSÉ: This morning, Mr. President,  
you said that a redirect examination would be advis-  
able in order to clear up the mess. I wonder if I may  
be permitted to help bring order out of the confusion.

THE PRESIDENT: In my judgment Captain  
Lazarus dealt very efficiently with the position. He  
made it plain beyond doubt that the approval was given  
in advance and not after the sentence had been passed.  
I cannot suggest that re-examination is necessary for  
that reason.

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1 DR. KIYOSÉ: Thank you, sir.

2 MR. JUSTICE MANSFIELD: There will be no  
3 redirect examination, if the Tribunal pleases.4 I ask that the witness be returned to his  
5 former custody.6 THE PRESIDENT: The witness will be returned  
7 to his former custody.

8 (Whereupon, the witness was excused.)

9 THE PRESIDENT: Colonel Woolworth.

10 MR. WOOLWORTH: If the Tribunal please, in  
11 connection with document No. 1988, which was the last  
12 document read to the Tribunal, I desire to direct the  
13 Tribunal's attention to exhibits 473 and 475.14 Will the Marshal please have the witness,  
15 WAKAMATSU, Tadakazu, brought to the witness stand.  
1617 T A D A K A Z U W A K A M A T S U, called as a  
18 witness on behalf of the prosecution, being first  
19 duly sworn, testified through Japanese inter-  
20 preter as follows:

## 22 DIRECT EXAMINATION

23 BY MR. WOOLWORTH:

24 Q Please state your name and residence.

25 A My name is WAKAMATSU, Tadakazu. My address  
is No. 2977 Kichijoji, Musashino, Kita-Tama Gun, Tokyo.

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1           Q    You have in your hands two documents numbered  
2   2744. Will you please examine those two documents,  
3   one in English and one in Japanese, and tell the Tri-  
4   bunal if that is your signature appended to each of  
5   those two documents.

6           A    The signature is mine but in one respect  
7   before I proceed -- there is one request I wish to  
8   make before I proceed and that is on account of the  
9   interpreter my true thoughts have not been sufficiently  
10   expressed, and therefore I should like to be permitted  
11   to append a few remarks to make some of the points  
12   clear.

13           THE PRESIDENT: We had better know what is  
14   in the affidavit before he starts to explain it.

15           MR. WOOLWORTH: (To witness) May I inquire  
16   if you had read both the Japanese document to which  
17   you appended your signature and had translated to you  
18   the English document before you signed the same?

19           THE PRESIDENT: The document -- Colonel,  
20   where are we? Did you tender a document?

21           MR. WOOLWORTH: I am about to tender the  
22   document, sir.

23           THE PRESIDENT: What document has he in his  
24   hands now?

25           MR. WOOLWORTH: The original document.

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1 THE PRESIDENT: One in Japanese--

2 MR. WOOLWORTH: And one in English.

3 THE PRESIDENT: One in Japanese?

4 MR. WOOLWORTH: Yes.

5 THE PRESIDENT: He suggested the English  
6 translation was not correct. The proper course would  
7 be to refer the English translation and the original  
8 Japanese document to the language section for their  
9 report.

10 MR. WOOLWORTH: Does the Tribunal wish this  
11 to be done before the document is read into evidence  
12 or after?

13 THE PRESIDENT: I do not think he ought to  
14 be brought back. We ought to get rid of him today.

15 MR. WOOLWORTH: Prosecution offers in evidence  
16 document No. 2744, affidavit of WAKAMATSU, Tadakazu.

17 THE WITNESS: May I be heard on a point on  
18 which I should like to make some explanation?

19 What I wish to say is that, not the difference  
20 in the Japanese and the English texts of my affidavit  
21 but that in the Japanese text of my affidavit, on account  
22 of insufficient explanation, my true thoughts are not  
23 fully expressed and therefore I should like to append  
24 a few remarks by way of explanation.

25 THE PRESIDENT: The witness attributed the

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1 fault to the interpreter whose intervention would not  
2 be sought in connection with the Japanese, I take it.  
3 He has changed his ground and his later objection will  
4 not be met by any reference to the translation board.  
5 He has to say now that, knowing what the Japanese  
6 translation -- the Japanese document contains, he  
7 signed it although it was not correct.

8 THE WITNESS: I do not say that there are  
9 any errors or mistakes in the text. I only say that  
10 because of insufficiency of explanation my true  
11 thoughts have not been fully expressed, and that is  
12 why I ask for permission to add some explanations to  
13 clear the matter up.

14 MR. WOOLWORTH: If the Tribunal please, I  
15 suggest that any other thoughts he has on this matter  
16 may be obtained on cross-examination after the affi-  
17 davit is read.

18 THE PRESIDENT: We should know what is in  
19 the English version and you are tendering that document?

20 MR. WOOLWORTH: I have tendered the document.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document  
23 No. 2744 will receive exhibit No. 1989.

24 (Whereupon, the document above  
25 referred to was marked prosecution's exhibit

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6 "I, WAKAMATSU, Tadakazu, do swear on my  
7 conscience that the following is true:

"On December 8, 1941 I was the head of the General Affairs Section of the General Staff. I continued as such until December, 1942, when I was appointed head of the Third Section of the General Staff, the functions of which were transportation and communications, and I served as such until October, 1943. During the summer of 1942 the decision to construct the Burma-Siam Railroad was made by the Imperial General Headquarters in response to a request from the Southern Army. There were three purposes for the construction of this railroad, (1) to have overland communication between Siam and Burma, (2) to provide a necessary supply line for the Japanese armies operating in Burma, and (3) the exploitation of tungsten deposits along the route, which were needed in munitions manufacture.

25 "Submarine and air attacks had made water communication very difficult and there were no other

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1 means of communication between Siam and Burma. The  
2 decision to use prisoner of war labor on this rail-  
3 road was made by the Chief of Staff, SUGIYAMA; the  
4 Minister of War, TOJO; and the Vice-Minister of War  
5 KIMURA, (the last named through his official position,  
6 though not basically responsible).

7 "I made one inspection of the Burma-Siam  
8 area about the end of July or the beginning of August,  
9 1943. I visited Rangoon, Bangkok, and a portion of  
10 the railroad from the Siam end. It was during the  
11 rainy season and the work was not progressing satis-  
12 factorily. I made this inspection because I had been  
13 receiving reports from time to time which showed that  
14 progress of the work was not satisfactory. The re-  
15 ports also contained information that the physical  
16 condition of the prisoners of war working on the rail-  
17 road was poor, and that the death rate was very high.  
18 I had heard that cholera was epidemic and that caused  
19 me considerable worry. I observed the laborers at  
20 work on the railroad and saw many cases of dysentery  
21 and beriberi amongst them. I also inspected the feed-  
22 ing of the prisoners of war and it was not satisfactory,  
23 the quantity and quality being below the required  
24 standard. I orally reported the results of my inspec-  
25 tion to the Chief of Staff, General SUGIYAMA and

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1 the Vice Chief of Staff, Lt. General HATA, in Tokyo,  
2 and recommended a two months' extension of the dead-  
3 line for the completion of the railroad. The original  
4 plan of the road had called for completion date as  
5 of December, 1943, and during March, 1943, orders were  
6 given by the Chief of Staff to complete the road over  
7 a higher grading, doing away with cuts, which would  
8 be less useful but which would result in the road  
9 being completed by August, 1943. I recommended,  
10 after having taken this trip, that a two months'  
11 extension to October be granted. Upon my return to  
12 Tokyo, I recommended that Major General ISHIDA,  
13 Eizuma be placed in charge of the railway construc-  
14 tion outfit, as I considered that he knew railway  
15 construction, and was thoroughly familiar with the  
16 rear echelon function of supply.

17 "Many deaths of prisoners of war resulted  
18 from the building of this road. The causes were  
19 epidemic diseases and unfavorable weather. The con-  
20 struction outfit did not have a proper commissary  
21 service. There were not enough trucks, and the truck  
22 road which was built in April parallel to the railroad,  
23 suffered bridge wash-outs and could not be used for  
24 some time. It was intended to be used during the  
25 rainy season, but this proved to be difficult and

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1 prisoners and other workers had a very difficult time  
2 as a result. Because there were not enough trucks,  
3 it was thought necessary to employ more personnel,  
4 and because more personnel were employed, the food  
5 situation became more difficult. I recommended to  
6 the Commander of the Southern Army that more trucks be  
7 used and fewer men.

8                    "/s/ T. WAKAMATSU  
9                    Tadakazu WAKAMATSU

10                 "Sworn to and subscribed before me at Tokyo, Japan,  
11                 this 31st day of October, 1946. /s/ Eric W. Fleisher,  
12                 2nd Lt. AUSMI, Investigator IPS.

13                 "CERTIFICATE

14                 "I, Eric W. Fleisher, hereby certify that I  
15                 am fully conversant with the Japanese and English  
16                 languages and that I truly and correctly translated  
17                 from English into Japanese and from Japanese into  
18                 English the oath administered to WAKAMATSU, Tadakazu,  
19                 the nature and purpose of which oath was fully under-  
20                 stood by the said affiant.

21                 "/s/ Eric W. Fleisher

22                 2nd Lt. AUSMI

23                 Investigator IPS."

24                 In connection with this document I desire  
25                 to state that the Lieutenant General HATA mentioned

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1 in this affidavit is not the accused before us.

2 BY MR. WOOLWORTH (Continuing):

3 Q Are the statements in the affidavit which I  
4 have just read correct?

5 A Not incorrect, sir, but as I have stated  
6 before, there are certain important points on which  
7 my thoughts have not been fully and sufficiently ex-  
8 pressed and therefore I ask again for permission  
9 to add a word of explanation.

10 THE PRESIDENT: He may explain.

11 A (Continuing) In the affidavit it is stated  
12 in connection with the construction of the Burma-Siam  
13 Railroad that a decision was made to use prisoners of  
14 war labor in the construction of the railroad and that  
15 SUGIYAMA, Chief of the Army General Staff, TOJO, War  
16 Minister, and others had made the decision, but in  
17 making the decision I personally took no part and  
18 therefore I cannot say that they actually made the  
19 decision and I only -- my point is that in accordance  
20 with the system they would be responsible for the  
21 decision.

22 MR. WOOLWORTH: That is all.

23 CROSS-EXAMINATION

24 BY DR. KIYOSÉ:

25 Q Mr. Witness, did you participate in the

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1 preparation of a report on the conditions of prisoners  
2 of war working on the construction of the Siam-Burma  
3 Railroad?

4 A Yes, I did, in its early stage.

5 Q Later on did you see this document, this  
6 report?

7 A Yes, I did.

8 DR. KIYOSE: With respect to the purpose of  
9 the Siam-Burma Railroad I refer you, Mr. President,  
10 to document -- to exhibit 475. That is this report.  
11 IPS document No. 1509. I quote from page 8, page 8,  
12 English text.

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1       Q    In this document it is indicated that one  
2       of the purposes of the Burma-Siam Railroad was for  
3       purposes of trade and transit -- trade and traffic.  
4       That is, one of the purposes of the Burma-Siam Rail-  
5       road is the establishment of a trade and traffic  
6       route. In this affidavit, however, the word "com-  
7       munication" between Burma and Thailand is used. Does  
8       this mean the same thing, Mr. Witness?

9       A    That I meant by "communications line" in my  
10      affidavit was -- in my affidavit I use the word  
11      "overland communication." That is in English. I  
12      meant by it a route for peaceful trade and traffic.

13      Q    Am I correct in understanding that the  
14      purpose of the railroad was not only for wartime use  
15      but also for trade and traffic in the postwar period?

16      A    You may understand that I meant by it a  
17      peaceful route of communication, both in war and  
18      peacetime.

19      Q    In the document which I have just quoted,  
20      the exploitation of tungsten is not referred to, al-  
21      though that is referred to in the affidavit. May I  
22      ask whether that was an important purpose?

23      A    That is what I heard at the time, and it  
24      wasn't as important -- so important as the two pre-  
25      ceding items.

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1 Q Was tungsten actually exploited?

2 A I am not sure about it.

3 THE PRESIDENT: This line was built in  
4 territory which did not belong to Japan. Would Japan  
5 have any interest in the peacetime operations of  
6 that line?

7 THE WITNESS: I thought -- my idea was that the  
8 railroad which was being constructed, after having ob-  
9 tained understanding of the two countries concerned,  
10 that is, Burma and Japan -- Siam and Japan, and would  
11 be beneficial to both countries even in peacetime.

12 THE MONITOR: Both countries being friendly  
13 countries.

14 THE PRESIDENT: Did Japan pay for the line  
15 or did those countries?

16 THE WITNESS: Japan paid.

17 BY DR. KIYOSU (Continued):

18 Q What kind of responsibilities did the Third  
19 Section of the Army General Staff hold, the office  
20 in which you were posted?

21 A The Third Section of the General Staff was  
22 in charge of transportation and communications.

23 Q You have not participated in the arriving at  
24 the decision to use prisoners-of-war in the con-  
25 struction of the railroad, but have you heard of the

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1 purposes -- of the purpose for which such labor --  
2 the reason why such labor should be used?

3                    Correction: Have you, yourself, heard the  
4 reason for the decision to use prisoners-of-war in  
5 the construction of the railroad?

6                    A    In the first place, this was the construction  
7 of railroad in the territory outside -- territory far  
8 from Japan, almost on the outside of the occupied  
9 area. Secondly, this was not a purely military  
10 installation. And third, because the interpretation  
11 was placed that the construction of this railroad was  
12 not an operational function or for operational  
13 purposes, although I have not studied -- seen the  
14 results of the detailed study of the construction  
15 plan.

16                   Q    Was this area at that time threatened by enemy  
17 attacks -- air raids?

18                   A    It was not a dangerous area.

19                   Q    Since that time was there any time when  
20 danger threatened in that area?

21                   A    The area -- the air raids were started to  
22 be launched on that area by the time the railroad  
23 was going to be completed.

24                   THE MONITOR: About the time the railroad  
25 was being completed, air raids began.

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1           Q    In case when danger threatened, who had  
2       the responsibility of moving the prisoners to safer  
3       areas?

4           A    The responsibility lies with those who are  
5       directly in command of the P.W.'s.

6           Q    In this particular concrete case, where did  
7       the responsibility rest?

8           A    I believe it was the headquarters of the  
9       Southern Army.

10          Q    You have referred to in your affidavit,  
11       Mr. Witness, that POW's were affected by cholera  
12       and other epidemic diseases. Were any rest periods  
13       declared as a means of preventing the spread of  
14       disease?

15          A    Yes. The construction work was stopped  
16       for some time either in June or in July to prevent  
17       the spread of cholera epidemics.

19          Q    In cases of mistreatment of prisoners-of-  
20       war during the construction of the railroad, were  
21       courts martial held?

22          THE MONITOR: Has there been a case of  
23       courts martial when there was a mismanagement or  
24       mistreatment of prisoners by the Japanese?

25          A    I heard that there were.

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1       Q   And what is your reason for transferring  
2   the responsibility for the construction of the  
3   railroad to ISHIDA Eiguma?

4       A   In the course of the construction of the  
5   railroad the commander of the construction changed  
6   three times before ISHIDA Eiguma took charge. The  
7   first commander, SHIMODA, while on a tour of inspection  
8   of the route on which the railway was to be constructed,  
9   died as the result of an air accident.

10       The second person who took command over the  
11  construction of the railroad was Major General TAKASAKI  
12  who, during the construction of the railroad, was  
13  afflicted by malaria and about July when I went on  
14  a tour of inspection of the railroad construction  
15  area he was barely able to get up. General TAKASAKI  
16  on account -- because of this malaria -- died shortly  
17  afterwards following his transfer to another post at  
18  Singapore. In other words, the transfer was necessitated  
19  by reasons of health. That was one.

20       Another reason was that both Major General  
21  SHIMODA and then his successor, Major General TAKASAKI,  
22  were both highly versed in the railroad construction  
23  technique as experts and fully qualified to handle  
24  a large personnel -- correction -- However, they were  
25  not qualified to handle a very large personnel or to

WAKAMATSU

CROSS

1 carry out to satisfaction the very difficult job of  
2 rear echelon supply, nor to satisfactorily complete  
3 such a huge and gigantic job as the construction of  
4 a railroad. In order to construct the railroad well,  
5 as well as to reduce any losses to the barest minimum,  
6 it was regarded necessary and more valuable to  
7 utilize a man who had staff experience rather than a  
8 technician. And therefore, at that time, Major  
9 General ISHIDA who was Commander of the railroad units  
10 in Malaya, as well as Staff Officer of Field Marshal  
11 TERAUCHI, Commander-in-Chief of the Southern Army  
12 and held in high confidence and trust by the Field  
13 Marshal, the recommendation was made to appoint him --  
14 that is, ISHIDA -- to the post of Commander of the  
15 Construction Unit.

16 Q In what you have just stated am I to under-  
17 stand -- am I allowed to understand this: By appoint-  
18 ing a man of such character -- the appointment of a  
19 man of such character, was it not only because they  
20 wished to technically promote the construction of  
21 the Railway, but also to obtain good results in  
22 improving treatment of Japanese soldiers and -- both  
23 Japanese soldiers and POWs engaged in railroad  
24 construction work by improving rear echelon supply  
25 service?

WAKAMATSU

CROSS

1                   THE MONITOR: May I understand it this way:  
2   The fact that they used not only a man who was well  
3   versed in techniques or technical side of the rail-  
4   road construction, but the fact of choosing a man who  
5   was well versed in the rear echelon supply communication  
6   supply function -- was that it was desired to improve  
7   the lot of not only the Japanese but also of the  
8   treatment of prisoners of war. May I understand  
9   it that way?

10                  May I have your answer?

11                  A   Yes, and that feeling deepened within me  
12   after I made my inspection of that area.

13                  Q   Then, I should like to ask you the reasons  
14   why you asked -- you recommended for an extension --  
15   a two-months' extension of the deadline for the completion  
16   of the Railway?

17                  A   The first reason was that in the light of  
18   the health conditions of the personnel engaged in the  
19   Railroad made completion of the railroad construction  
20   in August difficult. That is, at the end of August  
21   difficult.

22                  The second reason is that when the decision  
23   was first made to have the Railroad completed by the  
24   end of August, it was based on a misforecast of the  
25   rainy season and the general weather conditions in that

WAKAMATSU

CROSS

1 area, and it was not expected that the weather  
2 conditions would have been as bad as it had turned  
3 out.

4 Other reasons, I might say, would be this: That  
5 the completion of the Railroad was advanced to that  
6 early date as a deadline because of the intense  
7 counter offensive of the British Indian Army in  
8 Burma, and that construction of the Railroad would  
9 be rendered extremely difficult if this counter  
10 offensive should extend itself further. However,  
11 the difficulty did not arise as had been expected  
12 and so it was decided that the prospects were -- ren-  
13 dered it possible to extend the deadline to October.

14 THE MONITOR: And we had come to the conclusion  
15 that the counter offensive by the British Indian Army  
16 would not be dangerous until -- at least until about  
17 October.

18 Q Then, may I understand that not only yourself,  
19 but the central authorities far from expecting to --  
20 far from desiring to maltreat the prisoners of war,  
21 they expected to -- they intended to improve -- on  
22 the contrary they intended to improve the treatment  
23 of the prisoners of war?

24 A Yes, especially with respect to prisoners  
25 of war personnel who were engaged in the construction

WAKAMATSU

CROSS

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23 of the prisoners of war?

24 A Yes, especially with respect to prisoners  
25 of war personnel who were engaged in the construction

WAKAMATSU

CROSS

1 of the Siam-Burma Railroad in the construction of  
2 which many prisoners of war participated. As a  
3 matter of fact, not a few of the -- the majority  
4 of the prisoners of war took stronger personal  
5 interest in the construction of the Railroad because  
6 short parts of the Railroad were being completed  
7 day by day and took interest in the constructive  
8 aspects of their job, and, inasmuch as the prisoners  
9 of war had played such an important part and contributed  
10 so much effort in the construction of this Railroad,  
11 it later led Major General ISHIDA to refer to the  
12 prisoners of war who worked on the Railroad as guards  
13 of construction and that in respect of these constructive  
14 activities, good and proper care should be given to  
15 prisoners of war.

16 THE MONITOR: That was our intention.

17 Q My last question is: Were there voluntary  
18 agreements between the Governments of Japan and of  
19 Siam in connection with the construction of this  
20 Railway?

21 A Yes, an agreement had been concluded.

22 DR. KIYOSÉ: That is all, your Honor.

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WAKAMATSU

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1 MR. SOMIYA: I am SOMIYA, Shinji.

## 2 CROSS-EXAMINATION (Continued)

3 BY MR. SOMIYA:

4 Q As there is the following passage in your  
5 affidavit, that is, the Imperial Headquarters  
6 decided upon the construction of the railway, I should  
7 like to put the question to you concerning the Imperial  
8 General Headquarters.

9 How many departments are there in the  
10 Imperial General Headquarters?

11 A Four departments constitute the Imperial  
12 General Headquarters.

13 Q What are the four departments?  
14 A The General Affairs Division or Section,  
15 First Section, Second Section, and Third Section.

16 Q Are you speaking of the Army Section of the  
17 Imperial General Headquarters?

18 A Yes.

19 Q Then, is not the Imperial General Headquarters  
20 divided into two sections; that is, Army Section and  
21 Navy Section?

22 A Yes, they are divided into the Army Section  
23 and the Navy Section.

24 Q Did the decision for the construction of  
25 the Burma-Siam Railway -- was it made by the Army

WAKAMATSU

CROSS

1 Section or the Navy Section of the Imperial General  
2 Headquarters?

3 A By the Army Section of the Imperial General  
4 Headquarters.

5 Q What kind of people -- who constituted, or of  
6 what kind of people was the Army Section of the  
7 Imperial General Headquarters constituted?

8 A The Chief of Staff, most of the members --  
9 most of the personnel of the Army General Staff office,  
10 the War Minister, and his staff.

11 Q Then, was there a navy man in the Army Section  
12 of the Imperial General Headquarters?

13 A Yes, there are some who hold posts concurrently.

14 Q Mr. Witness, you may have misunderstood my  
15 question. My question was, what I mean was, were  
16 there navy members in the Army Section of the Imperial  
17 General Headquarters?

18 A I think there were some navy men in the  
19 Imperial General Headquarters who had concurrent duties  
20 in the Army Section of that headquarters.

21 Q Do you mean by the word "kenkin," meaning  
22 concurrently -- do you mean by "kenkin," donation,  
23 monetary donation, that is?

24 A I mean "kenkin," that is, holding two offices  
25 simultaneously.

WAKAMATSU

CROSS

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1       Q    I understand. At the time this decision  
2    was reached, were Shigetaro SHIMADA and Takasumi OKA,  
3    both defendants in this court now, concurrently  
4    members of the Army Section of the Imperial General  
5    Headquarters?

6       A    They were -- they did not hold concurrent  
7    posts.

8       Q    Then, was the construction work of the Burma-  
9    Thailand Railway conducted by the army or by the navy?

10      A    By the army.

11      MR. SOMIYA: That is all.

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THE PRESIDENT: Mr. Howard.

## CROSS-EXAMINATION

BY MR. HOWARD:

Q General, I represent General KIMURA.

The order to permit the Japanese forces to use prisoners of war for the construction of the Siam-Burma railway was issued by the Imperial GHQ, I understand. To what extent was Vice-Minister KIMURA responsible.

THE PRESIDENT: He answered that already.

He says KIMURA was responsible through his official position, though not basically responsible.

MR. HOWARD: I thought he might want to expand on that, your Honor. However, if the Court doesn't want him to I won't press the question.

THE PRESIDENT: The Court doesn't want him to say the same thing twice. What weight we give to what he says is another matter.

Q When you were in Rangoon or in the southern area, was the prisoner of war camp in Rangoon directed and commanded by the Southern Expeditionary Forces?

A By the statement: when I was in Rangoon, does that mean when I was making a tour of that region?

WAKAMATSU

CROSS

1           Q That is what I mean, General. Possibly  
2           you were not in Rangoon.

3           A Yes, I visited Rangoon in the course of my  
4           inspection tour of the Siam-Burma railroad and the  
5           prisoners of war camps in the Burma area were under  
6           the direction and command of the commander-in-  
7           chief of the Southern Army.

8           Q To your knowledge was that changed at any  
9           time?

10          A Yes, these camps and prisoners of war held  
11          therein were brought under the command of the com-  
12          mander of the railroad construction unit, but  
13          prisoners of war camps in the Rangoon and other  
14          areas who were unrelated with the construction of  
15          the railroad, with regard to these, I do not know.

16          THE MONITOR: If there were any.

17          Q You were Vice-Minister of War at one time,  
18          were you, sir?

19          A Yes, immediately before the termination of  
20          this last war.

21          MR. HOWARD: Now your Honor, I had some  
22          questions here similar to the ones that I had as'ed  
23          General TANAKA, which had not been covered on direct  
24          examination. If the Court permits I will examine  
25          him about the duties of the Vice-Minister of War.

WAKAMATSU

CROSS

1                   THE PRESIDENT: So far as they bear on  
2                   prisoners of war you will be at liberty to do so.

3                   We will recess for fifteen minutes.

4                   (Whereupon, at 1445, a recess  
5                   was taken until 1500, after which the  
6                   proceedings were resumed as follows:)

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1 MARSHALL OF THE COURT: The International  
2 Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Are all the accused present  
4 who were here when we went into recess?

5 I want that answered.

6 MR. JUSTICE MANSFIELD: If the Tribunal  
7 please, I notice that HOSHINO is not present.

8 THE PRESIDENT: We must have an explana-  
9 tion from somebody. No accused may leave the court  
10 without permission and without an explanation, and  
11 the explanation must be made publicly and not private-  
12 ly.

13 MARSHALL OF THE COURT: Mr. President, I  
14 am informed that the defendant HOSHINO has been returned  
15 to Sugamo Prison, feeling unwell.

16 THE PRESIDENT: No such step should have  
17 been taken without my permission, which would be  
18 given, of course, on behalf of the Tribunal, if at  
19 all.

20 Mr. Howard.

21 CROSS-EXAMINATION (Continued)

22 BY MR. HOWARD:

23 Q When was the Burma-Thailand Railway com-  
24 pleted?

WAKAMATSU

CROSS

1 A The end of October, 1943.

2 Q That was before the time that General  
3 KIMURA became commanding general of the Japanese  
4 Army in Burma, was it not?

5 A I think so.

6 Q Did the Vice Minister of War have any power  
7 of decision in matters concerning prisoners of war?

8 A He doesn't have power of decision.

9 MR. HOWARD: That concludes my cross-exam-  
10 ination, your Honor.

11 MR. LEVIN: If the Court please, there will  
12 be no further cross-examination of this witness.

13 MR. WOOLWORTH: If the Tribunal please, I  
14 ask that the witness be excused.

15 THE PRESIDENT: He is at liberty on the  
16 usual terms.

17 (Whereupon, the witness was excused.)

18 MR. WOOLWORTH: If the Tribunal please, in  
19 connection with the affidavit of the witness who  
20 just left the stand, I desire to invite the Court's  
21 attention to exhibit 473, particularly in connection  
22 with his cross-examination.

23 THE PRESIDENT: Mr. Levin.

24 MR. LEVIN: Mr. President, I don't know  
25 offhand what that exhibit contains. It seems to

CROSS

Q The end of October, 1943.  
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MURA became commanding general of the Japanese  
 army in Burma, was it not?

A I think so.

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 of war?

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who just left the stand, I desire to invite the

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1           A    The end of October, 1943.

2           Q    That was before the time that General  
3           KIMURA became commanding general of the Japanese  
4           Army in Burma, was it not?

5           A    I think so.

6           Q    Did the Vice Minister of War have any  
7           power of decision in matters concerning prisoners  
8           of war?

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21           Court's attention to exhibit 473, particularly in  
22           connection with his cross-examination.

23           THE PRESIDENT: Mr. Levin.

24           MR. LEVIN: Mr. President, I don't know  
25           offhand what that exhibit contains. It seems to

1 me that before the witness was excused our atten-  
2 tion should have been called to that exhibit.  
3 Justice Mansfield informs me that the exhibit re-  
4 lates to the number of deaths in the prisoner  
5 of war camps in Thailand and apparently is a  
6 statistical table. Under the circumstances we  
7 will have no objection.

8 THE PRESIDENT: I take it that HOSHINO'S  
9 counsel, or one of them, is present today.

10 MR. LEVIN: Mr. President, Mr. Williams  
11 is HOSHINO'S American counsel, and when I learned  
12 that Mr. HOSHINO had been taken sick I went in and  
13 informed him and I was advised that he himself had  
14 been ill and had left for the day. I don't off-  
15 hand know who his Japanese counsel is. Mr. Howard  
16 informs me that he acted on behalf of Mr. Williams  
17 both while he was sick and while he was in the  
18 United States and he will be glad to look after  
19 his interests at this time for the afternoon.

20 THE PRESIDENT: General Cramer draws my  
21 attention to the fact that Mr. Howard is listed  
22 with us as one of HOSHINO'S counsel.

23 Doctor UZAWA.

24 DOCTOR UZAWA: I have been appointed counsel

25

1 for all accused. Since I have been appointed  
2 counsel for all accused, I should like to act on  
3 behalf of the accused HOSHINO.

4 THE MONITOR: And therefore I am entitled  
5 to act as representative of HOSHINO

6 THE PRESIDENT: You are at liberty to do  
7 so.

8 DOCTOR UZAWA: In order to insure satis-  
9 factory progress of the proceedings here, I am here  
10 daily at all times.

11 MR. WOOLWORTH: The Prosecution desires to  
12 introduce in evidence document No. 2950, which is an  
13 affidavit of ISHIDA, Eiguma.

14 THE PRESIDENT: Admitted on the usual  
15 terms.

16 CLERK OF THE COURT: Prosecution document  
17 No. 2940 will receive exhibit No. 1990.

18 (Whereupon, the document above refer-  
19 ed to was marked prosecution's exhibit No. 1990  
20 and received in evidence.)

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1                   "INTERNATIONAL MILITARY TRIBUNAL FOR THE  
2 FAR EAST.  
3                   THE UNITED STATES OF AMERICA, et al.)  
4                   - AGAINST -                                   } A F F I D A V I T.  
5                   ARAKI, SADAO, et al.                           }  
6                    

7                    I, Eiguma ISHIDA, do swear on my conscience  
8                   that the following is true:

9                    I reside at KAGOSHIMA-SHI, NAGOYOSHI-CHO,  
10                   No. 599, MATSUMOTO, KATA.

11                   I began my military service in 1912. I  
12                   graduated from the Army War College in 1926. At the  
13                   outbreak of World War II, I as Major-General was in  
14                   command of transportation in INDO-CHINA on the HANOI -  
15                   SAIGON Railway. After the outbreak of the war I went  
16                   to BANGKOK and was in command of the 3rd Field Railroad  
17                   HQ, transporting supplies to the railroad of THAILAND,  
18                   MALAYA and FRENCH INDO-CHINA. In early August of 1943  
19                   I received the order to command the 2nd Railway Depart-  
20                   ment and 4th Special Railway Construction Command from  
21                   the War Minister in TOKYO. At the time I received  
22                   the order, I was at KUALA LUMPUR 400 kilometres north  
23                   of SINGAPORE. I went to the headquarters of the rail-  
24                   road at a place called KANCHANABURI, about 100 kilo-  
25                   meters north of BAMPONG; about the middle of August,  
                         1943, where I remained until the 4th of September, 1943,

1 when I went to KONQUITA to personally command the  
2 construction. The orders from the War Ministry put me  
3 in command of three departments; namely: the 2nd  
4 Railway Department; the 4th Special Railway Construc-  
5 tion Command for the construction of the BURMA-THAI-  
6 LAND Railway and the 3rd Field Railway HQ. I was  
7 told the length of the railroad was 415 kilometers  
8 and upon completion it was used for the transportation  
9 of supplies to the Japanese troops in BURMA.

10 "The prisoners of war employed were mainly  
11 British, Australian and Dutch. In July, 1943, before  
12 I became commander of this railway, Lieut-General  
13 WAKAMATSU and Colonel KATO visited the construction  
14 work while I was in command. LIEUT-General NAKAMURA,  
15 Aketo, who was the commander at BANGKOK, was in com-  
16 mand of the Supply Depot for the supply of food, etc.,  
17 provided to the prisoners. The BURMA-THAILAND rail-  
18 road was constructed principally by the labor of  
19 prisoners of war and coolies. The railroad was com-  
20 pleted on the 17th of October, 1943. The direct and  
21 chief cause for the speedy construction of the BURMA-  
22 THAILAND railroad was principally a tactical operation.  
23 The fact remains that there was a necessity for land  
24 transportation between BURMA and THAILAND as no such  
25 route existed. The necessity for its construction

1 at the time and for the haste in its construction was  
2 caused by the difficulty of transportation by water  
3 due to attacks of Japanese shipping by submarines and  
4 from the air. As a result of the fact that Japanese  
5 troops in BURMA were starving and the completion of  
6 the railroad meant that they would receive supplies  
7 from SINGAPORE and BANGKOK.

8 "After the construction was completed I  
9 was still in charge of the transportation over the  
10 BURMA-THAILAND Railroad and there were still a small  
11 number of prisoners of war kept employed for the  
12 maintenance of work in connection with transportation.  
13 I was continuously at the scene of construction from  
14 September 5th until October 17, 1943, and I knew that  
15 the sick and death rate amongst the prisoners was very  
16 high. When I arrived at KANCHANABURI, the scene of  
17 the construction of the railroad, in August, I re-  
18 ceived reports from various officers under my command  
19 and I learned of the fact that prisoners and workers  
20 in the railroad were dying as a result of very severe  
21 conditions. I worked for the betterment of conditions.  
22 On my inspection trip to the hospital, I saw that a  
23 number of prisoners were sick. When I was in KUALA LUM-  
24 PUR in the middle of 1944 I heard that the South Army  
25 had received complaints from the British and Dutch

1 Governments concerning the treatment of prisoners  
2 of war employed on the BURMA-THAILAND Railroad.  
3 The authorization for the employment of prisoners  
4 of war on the BURMA-THAILAND Railroad must have come  
5 from the General Staff in TOKYO. I remained in  
6 charge of the supervision of the BURMA-THAILAND  
7 Railway, which was under the command of the 4th  
8 Special Railway Construction HQ until May 1945.

9 "Sworn to and subscribed before me  
10 at CHANGI GAOL, SINGAPORE,  
11 this day 9th of November 1946. Eiguma ISHIDA

12 /s/ K. S. Kalsi Major

13 C E R T I F I C A T E

14 I. MIZUTA, Shigetoshi, hereby certify that  
15 I am fully conversant with the Japanese and English  
16 languages and that I truly and correctly translated  
17 from English to Japanese and from Japanese into  
18 English the oath administered to Eiguma ISHIDA, the  
19 nature and purpose of which oath was fully understood  
20 by the said affiant.

21 "MIZUTA, Shigetoshi (signed)"

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1                   MR. WOOLWORTH: The prosecution desires to  
2 introduce in evidence document No. 626-A, being  
3 "Regulations for Punishment of Enemy Air Crews."

4                   THE PRESIDENT: Admitted on the usual terms.

5                   CLERK OF THE COURT: Prosecution's document  
6 No. 626-A will receive exhibit No. 1991.

7                   (Whereupon, the document above re-  
8 ferred to was marked prosecution's exhibit  
9 No. 1991 and received in evidence.)

10                  MR. WOOLWORTH: (Reading):

11                  "Regulations for Punishment of Enemy Air  
12 Crews.

13                  "Military Ordinance /'Gunrei'/ No. 4 of  
14 the Japanese Expeditionary Forces in China.

15                  "The military regulations /'Gunritsu'/ for  
16 the punishment of enemy flyers are hereby established  
17 as follows:

18                  "13 August 1942 (Showa 17)

19                  "Shunroku HATA

20                  "Supreme Commander of the Japanese Forces in  
21 China.

22                  "Military Regulations for the Punishment of  
23 Enemy Flyers.

24                  "Article 1.

25                  "These military regulations shall be applicable

1 to enemy flyers who have raided Japanese territories,  
2 Manchukuo, or our operational areas and have come  
3 within the jurisdiction of the Japanese Expeditionary  
4 Forces in China.

5 "Article 2.

6 "Those who have committed the following acts  
7 shall be liable to military punishment:

8 "(1) Bombing, strafing, and other attacks  
9 with the object of threatening or killing and injuring  
10 ordinary people.

11 "(2) Bombing, strafing, and other attacks  
12 with the object of destroying or damaging private  
13 property of a non-military nature.

14 "(3) Bombing, strafing, and other attacks  
15 against objects other than military objectives,  
16 except those carried out under unavoidable circum-  
17 stances.

18 "(4) Violations of wartime international  
19 law.

20 "The same shall be applicable to those who,  
21 with the object of carrying out the acts enumerated  
22 in the preceding paragraph, have come to raid Japanese  
23 territories, Manchukuo, or our operational areas and  
24 have come within the jurisdiction of the Japanese  
25 Expeditionary Forces in China before accomplishing this

1       object.

2               "Article 3.

3               "Death shall be the military punishment.  
4       However, life imprisonment or more than ten years  
5       confinement may be submitted for it according to  
6       extenuating circumstances.

7               "Article 4.

8               "Death shall be by shooting.

9               "Confinement shall be effected in a detention  
10      place and prescribed labor imposed.

11               "Article 5.

12               "Under special circumstances the execution  
13      of military punishment shall be remitted.

14               "Article 6.

15               "In respect to confinement, the provisions  
16      of the criminal law concerning penal servitude shall  
17      be correspondingly applicable, in addition to the  
18      provisions of these military regulations.

19               "Supplementary Regulations.

20               "These military regulations shall be enforced  
21      from 13 August 1942 (Showa 17).

22               "These military regulations shall be applicable  
23      also to the acts committed previous to their enforcement.

24               "Proclamation.                           Appendix.

25               "Enemy flyers who have raided Japanese

1 territories, Manchukuo, or our operational areas,  
2 come within our jurisdiction, and violated wartime  
3 international law shall be tried by court martial and  
4 sentenced to either death or heavy punishment as  
5 important war criminals."

6 The certificate of authenticity is duly  
7 executed.

8 The prosecution desires to introduce docu-  
9 ment No. 1681.

10 MR. SHIOHARA: I should like to invite  
11 the Tribunal's attention to a translation matter  
12 with respect prosecution's document 1681. There are  
13 two serious errors in this document.

14 THE PRESIDENT: Let it be admitted first,  
15 and we will deal with those later.

16 Well, you began to describe it. You have  
17 got as far as the number. What is it about?

18 MR. WOOLWORTH: Document No. 1681, which  
19 is a communication, Army Secret No. 2190, concerning  
20 treatment of enemy air crew members.

21 THE PRESIDENT: Admitted on the usual terms,  
22 which include, of course, any necessary translations  
23 or corrections in the translations.

24 CLERK OF THE COURT: Prosecution's document  
25 No. 1681 will receive exhibit No. 1992.

1 (Whereupon, the document above re-  
2 ferred to was marked prosecution's exhibit  
3 No. 1992 and received in evidence.)

4 MR. WOOLWORTH: "Communication (Army Secret  
5 No. 2190) --

6 THE PRESIDENT: Read it first, Colonel,  
7 if you are going to read it.

8 MR. WOOLWORTH: (Reading):

9 "Communication (Army Secret No. 2190)

10 "Dispatched from: Vice War Minister KIMURA,  
11 Heitaro."

12 "To: Each Chief of Staff Stationed in Japan  
13 and Outside Japan.

14 "Re: Treatment of Enemy Air Crew Members.

15 "Dated: 28 July 1942.

16 "I request you to take note and understand  
17 that the following decision was made in regard to the  
18 treatment of enemy air crew members who entered our  
19 jurisdiction with the object of raiding Japanese  
20 territory, Manchukuo and our regions of operation:

21           "1. Those who do not violate the war-time  
22 international law shall have to be treated as POW's  
23 and those who showed actions of violating the said law  
24 shall be treated as war-time capital criminals.

25 "2. Defense Commander-in-Chief of various

1 places (including troops stationed in Japanese territory,  
2 outside Japan and the Governor of occupied HONG KONG)  
3 shall send for Court Martial such enemy air crew  
4 members, who entered the respective jurisdiction and  
5 are suspected of deserving treatment as war-time  
6 capital criminals. In regard to the above courts  
7 martial, the provisions of the Specially Established  
8 Court Martial stated in the Army Court Martial Law  
9 shall be applied."

10 It contains the usual statement of authen-  
11 ticity signed by OYAMA, Ayao.

12 THE PRESIDENT: Now Japanese counsel may  
13 state his objections.

14 MR. SHIOHARA: I invite the Court's attention  
15 first to the paragraph in which it is stated: "I  
16 request you to take note and understand that the  
17 following decision was made in regards," et cetera.

18 THE PRESIDENT: We have not heard the  
19 English translation.

20 THE INTERPRETER: I would like to have the  
21 last passage crossed out.

22 MR. SHIOHARA: In determining upon their  
23 handling of this matter, please understand the following:  
24 that it is made -- this notification is made by order --

25 THE MONITOR: Slight correction: This first

1 part he did not read, but it has to do with this.

2 It is: "Please understand that it was  
3 decided to dispose" or "to handle the matter as  
4 follows: I notify you by order.

5 The word is "notification by order" -- by  
6 order of someone higher.

7 This is not in the English. That is one  
8 point.

9 MR. BROOKS: Mr. President, we did not get  
10 over our transmission the first part of his statement.  
11 I am sure the translators don't know that. There is  
12 something wrong with the IBM somewhere.

13 THE PRESIDENT: We will start again.

14 Counsel, will you repeat what you have said  
15 before?

16 MR. SHIOHARA: In the Japanese text the  
17 following words are found. The following is a literal  
18 translation from the Japanese text. "It has been  
19 decided that the handling of this matter will be  
20 done as follows:" Then follows "notification by  
21 order." These words "notification by order" are  
22 missing in the English text. That is point one.

23 Then paragraph numbered "1" has these words  
24 at the end: "war time capital criminals." I consider  
25 it to be a mistake to use the word "capital" in

1       describing the original Japanese term which is  
2       "war time" -- which is in Japanese "senji juzai  
3       han." I should like to submit that this translation  
4       be rendered as just "war crimes." That is all.

5                   THE PRESIDENT: The matter is referred to  
6       the Language Section.

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Whalen & Morris

MR. WOOLWORTH: Prosecution desires to introduce document No. 1793B, "Notification of matters pertaining to the treatment of crew members of raiding enemy planes.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document  
No. 1793B will receive exhibit No. 1993.

11 MR. WOOLWORTH: (Reading):

12 "Imperial Headquarters, Army Section.

13 "Staff, Secret, No. 1 of No. 383.

14 "Notification of Matters Pertaining to the  
15 Treatment of Crew Members of Raiding Enemy Planes.

16 "July 28, 1942 Seimu TANABE

17 Deputy Chief of Staff

18 "To: Mr. Jun ATOMIYA

19 Chief of Staff, China Expeditionary Force.

"Directions in regard to the treatment of crew members of raiding enemy planes have already been given by Army Secret No. 2190 of July, 1942, but in regard to the proclamation and publication of the articles of war and the date of execution of punishment against the crew members of the recent

1 raiding American planes, it is desired that they be  
2 deferred until a date to be specified later. (Ex-  
3 pected to be during the middle of August.)

4 "Furthermore, since the announcement per-  
5 taining to the execution of the offense of the crew  
6 members of the recent raiding American planes will  
7 be made by the Imperial Headquarters, I have been  
8 ordered to notify you that the decision for the afore-  
9 mentioned be reported to the Chief of General Staff  
10 as soon as possible.

11 "In closing, please refer to the annexed  
12 draft in regard to the Articles of War and the text  
13 of the proclamation of the Articles of War."

14 "Annexed Reference Sheet.

15 "Articles of War of OO Army (Draft)"

16 THE PRESIDENT: Is that substantially the  
17 same as the preceding exhibit? That is, exhibit 1991.  
18 It may not be. It looks like it at a glance.

19 MR. HOWARD: Your Honor, I would also like  
20 that this be referred to the Language Section the  
21 same as the former for the same correction as point 1  
22 of the former statement by Mr. SHIOHARA in which the  
23 words "by order of the War Minister" or some similar  
24 words were left out.

25 THE PRESIDENT: I don't see in this further

1 draft of Articles of War any reference to the need  
2 for courts martial. If there is such an omission  
3 it may be desirable to read this into the transcript.

4 MR. WOOLWORTH: (Reading)

5 "Article 1. These articles of war shall be  
6 applicable to the crew members of enemy planes raid-  
7 ing our Imperial Domain, Manchoukuo, or our zone of  
8 operations and falling into the powers of OO Army.

9 "Article 2. Those having committed the  
10 acts listed below shall be subjected to military  
11 punishment:

12 "1. To bomb, strafe and conduct other  
13 types of attacks for the purpose of threatening and  
14 wounding or killing the ordinary populace.

15 "2. To bomb, strafe and conduct other types  
16 of attacks for the purpose of destroying or ruining  
17 private properties possessing no military character-  
18 istics.

19 "3. To bomb, strafe and conduct other types  
20 of attacks against targets other than military tar-  
21 gets unless inevitable.

22 "4. To conduct outrageous and inhuman acts  
23 ignoring humanity, besides the aforementioned three  
24 paragraphs.

25 "This is also applicable to those coming to

1 attack our Imperial Domain, Manchoukuo, or our zone  
2 of operations with the purpose of committing the acts  
3 mentioned in the above paragraphs, but having fallen  
4 into the powers of OO Army prior to having accomplished  
them.

5 "Article 3. The military punishment shall  
6 be death. However, depending on the situation, it  
7 may be changed to life or imprisonment of over ten  
8 years.

9 "Article 4. Death shall be by a firing  
10 squad. Imprisonment shall be at a place to be  
11 designated later, and they shall be subjected to  
12 prescribed labor.

13 "Article 5. When specific reasons exist,  
14 the execution of military punishment shall be sus-  
15 pended.

16 "Article 6. In regard to imprisonment,  
17 regulations pertaining to penal servitude of the  
18 criminal law shall be applicable, besides those  
19 stipulated in these articles of war.

20 "Supplementary Provisions.

21 "These articles of war shall become effec-  
22 tive as of \_\_\_\_\_ day of \_\_\_\_\_ month of \_\_\_\_\_ year.

23 "These articles of war shall be applicable  
24 against de post facto acts."

1 THE PRESIDENT: Mr. Howard, have you speci-  
2 fied all the corrections you desire to be looked  
3 into by the Translation Section?

4 MR. HOWARD: We have all that we have noted  
5 so far, your Honor.

6 THE PRESIDENT: The matter is referred to  
7 the Language Section.

8 MR. WOOLWORTH: Prosecution desires to  
9 introduce document No. 1793C, Report on the Court  
10 Martial for Allied Aircraft Crews Captured in the  
11 Tokai District Army Area.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document  
14 No. 1793C will receive exhibit No. 1994.

15 (Whereupon, the document above re-  
16 ferred to was marked prosecution's exhibit  
17 No. 1994 and received in evidence.)

18 MR. WOOLWORTH. (Reading)

19 "Report on the Court Martial for Allied  
20 Aircraft Crews Captured in the Tokai District Army  
21 Area.

22 "I. This report was prepared according to  
23 a report made by the Tokai Demobilization Bureau.

24 "II. Substance:

25 "There were eleven men captured in a raid

1 on Nagoya on the 14th of May, 1945 who were executed  
2 after trial by court martial.

3 "III. Facts of the Court Martial:

4 "1. The accused: (1) 2nd Lt. Kyme; (2)  
5 2nd. Lt. Carrier; (3) Corporal Classey; (4) Corporal  
6 Shelton; (5) Corporal Pritchard; (6) Lieutenant  
7 Sherman; (7) 2nd Lt. Solomon; (8) Corporal Howell;  
8 (9) Corporal Manson; (10) Corporal Gentry; (11) Cor-  
9 poral Johnson."

10 Their serial numbers are listed but some  
11 unknown.

12 "2. Date of taking in charge:

13 "Taken in charge from the Kempei Tai HQ  
14 at Tokai at the end of May, and imprisoned on the  
15 same day.

16 "3. Place of imprisonment:

17 "District Army Headquarters.

18 "4. Investigation:

19 "After investigation at the Tokai Kempei  
20 Tai HQ, these men were committed for court martial  
21 at the end of May on suspicion of having violated  
22 the Articles of War. Investigation by the prosecutor  
23 at the court martial produced enough evidence to  
24 prove that they had violated the Articles of War.

25 "5. Place and date of judgment:

1 "Court of the Tokai District Army Head-  
2 quarters, 11 July 1945.  
3

4 "6. Date of Execution:  
5

6 "July 12, 1945.  
7

8 "7. Place of Execution:  
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10 "At the Obatakehara rifle range (in the  
11 suburbs of Nagoya.)  
12

13 "8. Disposal of the corpses:  
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15 "Originally buried in the Obatakehara rifle  
16 range, they were disinterred later and cremated,  
17 and the remains have been enshrined at the Koseiji  
18 Temple at Yagoto, Showa Ward, Nagoya."  
19

20 Statement of authenticity signed by OYAMA.  
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1. Mr. BROOKS: If the Tribunal please, on the  
2. original list document 1793-A was listed for reading,  
3. and it would have preceded 1793-G, and I was just in-  
4. quiring of the prosecution why it was left out, be-  
5. cause this document apparently provides for a mili-  
6. tary discipline council to apply the regulations with  
7. respect to a special court martial, and so forth.

8. MR. WOOLWORTH: If the Tribunal please, the  
9. reason for the omission of document 1793-A is that it  
10. is substantially the same as document 1681 which has  
11. been read as exhibit 1992.

12. THE PRESIDENT: Does it supplement the draft  
13. of articles of war attached to exhibit No. 1993?

14. MR. WOOLWORTH: It is in no way different.  
15. It is the same number, Army Secret No. 2190. There  
16. is a very slight difference in translation in that it  
17. has nothing to do with the articles of war. It refers  
18. to specially established court martial in exhibit 1992,  
19. while in 1793-A it calls it military discipline council.

20. THE PRESIDENT: To save time, Captain Brooks  
21. seems to be insisting.

22. MR. BROOKS: If the Court please, although in  
23. substance it is quite similar, since it bears a dif-  
24. ferent document number and there is a difference in the  
25. English text of this article, I think it should be left

1 to the Court to decide whether this was part of the  
2 other documents. It is very short, only two or three  
3 paragraphs, and the prosecution should be required to  
4 put it in.

5 MR. WOOLWORTH: If the Tribunal please, the  
6 Japanese documents are identical, 1793-A and exhibit  
7 1992. There was a slight difference in translation.  
8 The prosecution had them checked and the translation  
9 of exhibit 1992 was approved after rechecking, and we  
10 used that document. They both bear the same army  
11 secret order number.

12 MR. HOWARD: I as counsel for General KIMURA  
13 do not insist on that being read, and I think that  
14 Mr. Brooks will agree with me on that.

15 MR. BROOKS: I do not insist on that point  
16 if the Court is willing to take the prosecution's  
17 statement on it. There is a difference in it, and  
18 there is a difference in the source of the two docu-  
19 ments and I thought it should be called to the Court's  
20 attention.

21 THE PRESIDENT: Proceed, Colonel.

22 MR. WOOLWORTH: The prosecution desires to  
23 introduce document No. 1793-D: "A Report on the Court  
24 Martial for Allied Aircraft Crews Captured in the Cen-  
25 tral Japan District Army Area."

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1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document  
3 No. 1793-D will receive exhibit No. 1995.

4 (Whereupon, the document above re-  
5 ferred to was marked prosecution's exhibit  
6 No. 1995, and was received in evidence.)

7 MR. WOOLWORTH: (Reading) "A report on the  
8 court martial for allied aircraft crews captured in  
9 the Central Japan District Army Area.

10 "I. This report is based on reports from the  
11 Central Japan Demobilization Bureau.

12 "II. Substance:

13 "The men who were executed after trial by  
14 court martial were Nelson and Augnus, who were both  
15 captured after incendiary raids on Tokyo on the night  
16 of March 9th, 1945, Osaka on the night of March 14th,  
17 1945, and Kobe on the night of March 19th, 1945, respec-  
18 tively.

19 "III. Facts of the Court Martial:

20 "1. The Accused:

21 "Second Lieutenant Robert Warson Nelson, U.S.A.  
22 Sergeant Algy Stanley Augnus, U.S.A.

23 "2. Date of taking in charge:

24 "Taken in charge from the Central Japan Kempei  
25 Tai Headquarters the first part of May, 1945, and

imprisoned on the same day.

"3. Place of imprisonment:

"Detention ward of the Kusunoki 12490, Butai  
(inside Osaka Military Prison.)

"4. Investigation:

"The investigation ended May 31st, after detailed investigation by the prosecutor for two days on the basis of the reports from the Kempei Tai Headquarters. Under investigation, the accused frankly stated the facts.

"5. Place and Date of Judgment:

"Court of the Central Japan District Army Headquarters. Sentenced to death on July 18th, 1945.

"6. Date of Execution:

"4:00 p.m., July 18th, 1945.

**"7. Place of Execution:**

"At the Army Maneuver Grounds in Yokohama-Mura, Senhoku-Gun, Osaka Prefecture.

#### "8. Disposal of Corpses.

"Buried on the same day (temporary burial.)

Cremated at the same place on August 24th. The formal funeral took place at the Sanadayama Army Cemetery on the 25th of the same month."

The prosecution desires to introduce document

No. 1793-E.

1                   THE PRESIDENT: Admitted on the usual terms.

2                   CLERK OF THE COURT: Prosecution's document  
3 No. 1793-E will receive exhibit No. 1996.

4                   (Whereupon, the document above referred  
5 to was marked prosecution's exhibit No. 1996,  
6 and was received in evidence.)

7                   MR. WOOLWORTH: (Reading) "Army Secret No.  
8 1437 (Army Secret Wire No. 5715) 15 August 1945

9                   " Matters pertaining to Cases of Defendants  
10 Against the Articles of War. Vice Minister

11                  "TO: The 1st, the Entire Army (2nd), the  
12 respective area Army (5th), (17th), (10th)

13                  "Respective Chiefs of Staff (Kwantung Army)  
14 (China Expeditionary Force) (The entire Southern Army)

15                  "Hereafter defer dealing with cases of viola-  
16 tors of the Articles of War under your Army's command.

17                  By order."

18                  Certified by OYAMA.

19                  The prosecution desires to introduce document  
20 No. 1793-F. "Matters Pertaining to the Releasing of POWs"

21                  THE PRESIDENT: Admitted on the usual terms.

22                  CLERK OF THE COURT: Prosecution's document  
23 No. 1793-F will receive exhibit No. 1997.

24                  (Whereupon, the document above re-  
25 ferred to was marked prosecution's exhibit

No. 1997, and was received in evidence.)

Mr. WOOLWORTH: (Reading) "Army, Secret

No. 5776 Army, Secret Wire No. 1484

"Matters Pertaining to the Releasing of POWs

"August 23, 1945 Vice Minister

"TO: The Chiefs of Staff of the Respective  
Military Districts

8 "Direct the carrying out of probationary re-  
9 lease, suspension of execution of sentence and can-  
10 cellation of detention of convicted and unconvicted  
11 prisoners of war who are in prison. By order."

12 Certified to by OYAMA.

13                   The prosecution desires to introduce document  
14 No. 2483, which is a "List of the Prisoners of War  
15 Punished by Military Court Martial during the Period,  
16 December 8, 1941 -- August 15, 1945."

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document

19 No. 2483 will receive exhibit No. 1998.

(Whereupon, the document above referred to was marked prosecution's exhibit No. 1998, and was received in evidence.)

24 this document, if the Tribunal please. Do you desire  
25 me to start reading it?

1                   THE PRESIDENT: Not this afternoon. We will  
2 adjourn until half past nine tomorrow morning.

3                   (Whereupon, at 1600, an adjourn-  
4                   ment was taken until Thursday, 9 January  
5                   1947 at 0930.)

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